



December 2, 2025

Floyd Azure, Chairman
Assiniboine and Sioux Tribes
P.O. Box 1027
Poplar, Montana, 59255

**Re: Assiniboine & Sioux Tribes of the Fort Peck Reservation Model Gaming Ordinance,
Resolution No. 32-1888-2025-08**

Dear Chairman Azure:

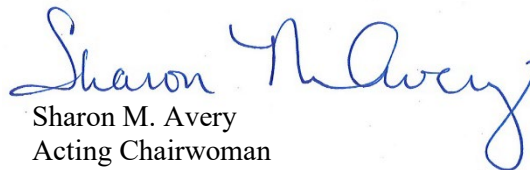
This letter responds to your request, received on September 3, 2025, on behalf of the Assiniboine and Sioux Tribes (Tribes) for the National Indian Gaming Commission (NIGC) Acting Chairwoman to review and approve the Tribes' 2025 Revised Model Gaming Ordinance (Ordinance). The Ordinance was adopted by Tribal Executive Board Resolution No. 32-1888-2025-08.

Resolution Number Resolution No. 32-1888-2025-08 wholly amends and restates the Tribes' Ordinance to be consistent with the NIGC's model gaming ordinance and to incorporate more recent regulatory amendments. There are, however, several scrivener's errors in the Ordinance. Most notably, the definition of Key Employee as it relates to the custodian of *gambling devices*¹ is inconsistent with the corresponding subsection of NIGC regulations referencing custodians of *gaming systems*.² In addition to the gaming systems/gambling devices discrepancy, the Ordinance contains two incorrect cross-references:

- § 17(E), p. 19, references 18(C), which does not exist. The correct reference appears to be § 17(D); and
- § 22(I), p. 23, references section 25 (Records Retention), but should reference Section 24 (Suspensions and Revocations).

With the acknowledgement of the scrivener's errors, the Tribes' Ordinance is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations and is hereby approved. If you have any questions concerning this letter or the ordinance review process, please contact Jennifer Lawson at Jennifer_lawson@nigc.gov.

Sincerely,


Sharon M. Avery
Acting Chairwoman

MAILING ADDRESS: NIGC/DEPARTMENT OF THE INTERIOR 1849 C Street NW, Mail Stop #1621 Washington, DC 20040 Tel: 202.632.7003 Fax: 202.632.7066

REGIONAL OFFICES Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD

WWW.NIGC.GOV

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws, and

WHEREAS, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation are a federally recognized sovereign Indian Tribes, governed by the Fort Peck Tribal Executive Board (TEB) pursuant to the authority vested in the Tribes by the Constitution and Bylaws of the Fort Peck Tribes, Article VII, Sections 1, 3, and 4; and

WHEREAS, the TEB has the authority to enact ordinances to regulate economic and governmental affairs on the Fort Peck Reservation, including the conduct of Class II and Class III gaming under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 et seq.; and

WHEREAS, the Tribal Executive Board recognizes the importance of maintaining a well-regulated and transparent gaming environment that protects the integrity of the gaming industry, ensures public trust, and advances the economic welfare of the Tribes and its members; and

WHEREAS, the 2025 Revised Model Gaming Ordinance was drafted to update and replace all prior inconsistent Tribal Gaming Ordinances, incorporating changes required by IGRA, the National Indian Gaming Commission (NIGC), and best practices for regulatory oversight, licensing, vendor compliance, and revenue allocation; and

WHEREAS, the Revised Ordinance establishes a fully independent Tribal Gaming Commission with authority to license, investigate, and enforce gaming-related matters, strengthens internal controls and audit requirements, and clarifies provisions related to vendor oversight, employee eligibility, and per capita distributions; and

WHEREAS, the Tribal Executive Board has reviewed the 2025 Revised Model Gaming Ordinance and provided over 30-day opportunity for Tribal Membership to provide comment, and finds it to be in the best interest of the Tribes; now

THEREFORE BE IT RESOLVED, that the Fort Peck Tribal Executive Board hereby adopts and enacts the attached 2025 Revised Model Gaming Ordinance, dated August 25, 2025, as the official ordinance governing Class II and Class III gaming operations on the Fort Peck Reservation; and

BE IT FURTHER RESOLVED, that all prior Tribal Gaming Ordinances inconsistent with this Ordinance are hereby repealed and rescinded; and

BE IT FINALLY RESOLVED, that this Ordinance shall become effective immediately upon approval by the Chair of the National Indian Gaming Commission (NIGC), and the Chairman and/or Vice-Chairman is hereby authorized to provide a transmittal letter to the NIGC Chairman to initiate the federal authorization.

CERTIFICATION

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 9 constituting a quorum were present at a Regular Board meeting duly convened this 25th day of August, 2025, and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 9 for, 0 opposed, and 3 absent.



Secretary Accountant/Secretary

APPROVED:



Chairman/Vice Chairman
Fort Peck Tribal Executive Board

2025 Revised Model Gaming Ordinance

Section 1. Purpose

The Tribal Executive Board of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana (hereinafter, "Tribes"), empowered by the Constitution, Article VII, Section 1, 3, and 4 to enact ordinances, hereby enacts this Gaming Ordinance in order to govern and regulate the operation of Class II and Class III gaming operations on the Tribes' Indian lands.

Section 2. Applicability

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to Class II and/or Class III gaming on the Tribes' Indian lands.

Section 3. Definitions

The following terms shall have the same meaning and effect as those same terms as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 *et seq.*, and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 *et seq.*, if they are defined in IGRA and the NIGC's regulations.

A. Class I gaming.

1. Social games played solely for prizes of minimal value; or
2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

B. Class II gaming.

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - a. Play for prizes with cards bearing numbers or other designations;

- b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
- 2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
- 3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;
- 4. Card games played in the states of Michigan, North Dakota, South Dakota or Washington, if:
 - a. A tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - b. The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair;
- 5. Individually owned class II gaming operations –
 - a. That were operating on September 1, 1986;
 - b. That meet the requirements of 25 U.S.C. § 2710(b)(4)(B);
 - c. Where the nature and scope of the game remains as it was on October 17, 1988; and
 - d. Where the ownership interest or interests are the same as on October 17, 1988.
- C. **Class III gaming.** All forms of gaming that are not class I or class II gaming, including, but not limited to:
 - 1. Any house banking game, including but not limited to –
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and

- b. Casino games such as roulette, craps, and keno;
- 2. Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
- 3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
- 4. Lotteries.
- D. **Commission.** The Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state regulations.
- E. **Commissioner.** A Tribal Gaming Commissioner.
- F. **Directly related to.** A spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.
- G. **Director.** A member of the Tribal Gaming Board of Directors.
- H. **Facility License.** A separate license issued by the Tribe to each place, facility or location on Indian lands where the Tribe elects to allow class II or III gaming;
- I. **Gaming Operation.** Each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.
- J. **Indian lands.**
 - 1. Land within the limits of an Indian reservation; or
 - 2. Land over which an Indian tribe exercises governmental power and that is either;
 - a. Held in trust by the United States for the benefit of any Indian tribe or individual; or

- b. Held by an Indian tribe or individual subject to restriction by the United States against alienation.

K. Key Employee.

1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of Security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices, as defined in 25 CFR 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
 - k. Custodian of surveillance systems or surveillance system records or surveillance system records
2. Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Tribal Gaming Commission;
3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
4. Any other person designated by the gaming enterprise as documented by the Tribes as a key employee.

L. **Licensee.** A tribally owned class II or class III gaming operation or a person licensed by the Tribal Gaming Commission as a primary management official, key employee or other gaming employee under the provisions of this ordinance.

M. **Management Contract.** Any contract, subcontract or collateral agreement between an Indian tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

N. **Net Revenues.** Gross gaming revenues of an Indian gaming operation less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

O. **Primary Management Official.**

Primary management official means:

- (a) Any person having management responsibility for a management contract;
- (b) Any person who has authority:
 - (1) To hire and fire employees of the gaming operation; or
 - (2) To establish policy for the gaming operation.
- (c) The chief financial officer or a position with duties similar to a chief financial officer.
- (d) The general manager or a position with duties similar to a general manager.
- (e) Any other employed management official of the gaming enterprise as documented by the Tribe as a primary management official.

P. **Tribal-State Compact.** An agreement between a tribe and state about class III gaming under 25 U.S.C. § 2710(d).

Q. **Tribes.** The Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana.

Section 4. Gaming Authorized

Class II and/or Class III gaming are authorized to be conducted on the Tribe's

2025 FPT Revised Gaming Ordinance

Page | 5 of 26

Adopted August 25, 2025

Indian lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.

Section 5. Ownership of Gaming

- A. The Tribes shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except as expressly provided in this Ordinance.
- B. No person or entity, other than the Tribes, shall conduct gaming without obtaining a license from the Tribal Gaming Commission.
- C. The Tribal Gaming Commission may issue a license for individually-owned gaming so long as:
 - 1. The individually owned gaming operation is licensed and regulated pursuant to this Ordinance;
 - 2. The income to the Tribes from an individually owned gaming operation is used only for the purposes listed in this Ordinance;
 - 3. Not less than 60 percent of the net revenues of the individually-owned gaming operation is income to the Tribes;
 - 4. The owner of the individually owned gaming pays an annual assessment to NIGC pursuant to 25 C.F.R. § 514.1; and
 - 5. The Tribal Gaming Commission applies licensing standards that are at least as restrictive as those established by State law governing similar gaming;
 - 6. The Tribal Gaming Commission determines that the owner of the individually owned gaming would be eligible to receive a State license to conduct the same activity within the jurisdiction of the surrounding State.

Section 6. Use of Net Gaming Revenues

- A. Net revenues from Tribal gaming shall be used only for the following purposes:
1. To fund Tribal government operations or programs;
 2. To provide for the general welfare of the Tribe and its members;
 3. To promote Tribal economic development;
 4. To donate to charitable organizations; or
 5. To help fund operations of local government agencies.

Section 7. Per Capita Payments

- A. Net revenues from any Class II and/or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:
1. The Tribes have prepared a plan to allocate revenues to one or more of the five uses authorized by section 6(A) of this ordinance;
 2. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 6(A)(1) and 6(A)(3) of this ordinance;
 3. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
 4. The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

Section 8. Gaming Commission

- A. The Tribes hereby establishes a Tribal Gaming Commission (“Commission”) to regulate the Tribe’s gaming operations. The Commission shall consist three (3) members, including a Chair, Vice-Chair and at least one additional Commissioner.
- B. The Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation’s internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.
- C. Commissioner positions shall be filled in the following manner:

Through appointment by the Tribal Executive Board.
- D. Terms of office for Commissioners shall be as follows: the Chair shall serve an initial term of one (1) year, with subsequent Chairs serving 3-year terms; and the Vice-Chair and Commissioner(s) shall serve an initial term of two (2) years, with subsequent Vice-Chairs and Commissioners serving 3-year terms.
- E. The following persons are not eligible to serve as Commissioners: Tribal Executive Board Members, while serving as such; current employees of the gaming operation; gaming contractors (including any principal of a management, or other contracting company); persons directly related to, or sharing a residence with, any of the above; and persons ineligible to be key employees or primary management officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a

Commissioner if the Tribal Executive Board specifically finds that a significant amount of time has passed and the person is now of trustworthy character.

- F. The Tribal Executive Board shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.
- G. The Tribes recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from the Tribal Executive Board in all matters within its purview. No prior, or subsequent, review by the Tribal Executive Board of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:
 - 1. No member of the Tribal Executive Board or Tribal Gaming Board of Directors may serve on the Tribal Gaming Commission;
 - 2. No member directly related to, or living with, any Tribal Executive Board member or Tribal Gaming Board of Directors member may serve on the Tribal Gaming Commission;
 - 3. Members of the Commission are prohibited from gambling in the facility;
 - 4. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under \$5.00.
 - 5. Commissioners may only be removed from office by the Tribal Executive Board, prior to the expiration of their respective terms, for neglect of duty, misconduct, malfeasance or other acts that would render a Commissioner unqualified for the position, as determined by the Tribal Executive Board.
- H. Nominees for Commissioner positions must satisfy the eligibility standards set forth for primary management officials and key employees found in Section 21 of this ordinance. All requisite background investigations shall be performed

under the direction of the Tribal Gaming Commission.

I. The Tribal Gaming Commission shall:

1. Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;
2. Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;
3. Create and maintain investigative reports based on the background investigations of primary management officials and key employees;
4. Designate a law enforcement agency to obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation.;
5. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;
6. Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;
7. Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
8. Establish standards for licensing Tribal gaming facilities;
9. Issue gaming licenses to Tribal gaming facilities;
10. Inspect, examine and monitor all of the Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;
11. Ensure compliance with all Tribal, federal and applicable state laws, rules and regulations regarding Indian gaming;

12. Investigate any suspicion of wrongdoing associated with any gaming activities;
13. Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;
14. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any tribal-state compact to which the Tribe is a party, and any other applicable law;
15. Promulgate and issue regulations necessary to comply with applicable internal control standards;
16. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
17. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any Tribal, federal or applicable state gaming regulations;
18. Establish a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation;
19. Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and create regulations for enforcing the exclusions;
20. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions;
21. Create a list of regulatory authorities that conduct background investigations of, and licenses, vendors who are recognized as trustworthy;
22. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
23. Perform such other duties the Commission deems appropriate for the

proper regulation of the Tribal gaming operation; and

24. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.

- J. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Tribal Executive Board, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.
- K. The Commission shall ensure that all records and information obtained as a result of an employee background investigation, including but not limited to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Tribal gaming operation on a need-to-know basis, for actions taken in their official capacities.
- L. The confidentiality requirements in Section 8(J), above, do not apply to requests for such records or information from any Tribal, federal or state law enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.
- M. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners shall be required for any final determination by the Commission. The Commission may act in its official capacity, even if there are vacancies on the Commission.
- N. Commissioners shall be compensated at a level determined by the Tribal Executive Board. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.
- O. The Commission shall keep a written record of all its meetings.

Section 9. Audits

- A. The Tribes shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
- B. Annual audits shall conform to generally accepted auditing standards.
- C. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this ordinance.
- D. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.

Section 10. Environment and Public Health and Safety

- A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- B. The Tribal Gaming Commission, Law Enforcement and/or Tribal Office of Environmental Protection shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility or location, to ensure adequate protection of the environment and the health and safety of the public.

Section 11. Patron Dispute Resolution

Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence,

at the discretion of the Commission. After the hearing, the Commission shall render a decision within 30-days. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of \$100 per occurrence, and a cumulative limit of \$200 per patron in any 12-month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 12. Facility Licenses

- A. The Tribes shall issue a separate license to each place, facility or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance.
- B. The Tribal Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The Tribal Gaming Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.
- D. The Tribal Gaming Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include:
- E. A legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.
- F. The Tribal Gaming Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- G. The Tribe or Tribal Gaming Commission shall submit to the NIGC Chair a notice

that issuance of a facility license is under consideration by the Tribal Gaming Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where Class II and/or Class III gaming will occur.

- H. The Tribal Gaming Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- I. The Tribes shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

Section 13. Agent for Service of Process

The Tribe designates the Chairman of the Tribal Executive Board as the agent for service of any official determination, order or notice of violation.

Section 14. Tribal Access to Financial Information

A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to the Tribal Executive Board.

Section 15. License Application Forms

- A. The following notice shall be placed on the Tribes' license application form for a key employee or a primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be

used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribes or the NIGC to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

- B. The following additional notice shall be placed on the application form for a key employee or a primary management official before it is filled out by an applicant:

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

Section 16. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

Section 17. Background Investigations

- A. The Tribes shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to allow the Tribal Gaming Commission to make an eligibility determination under Section 20 of this ordinance.

- B. The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records
- C. The Tribes shall request fingerprints from each primary management official and key employee. The Tribal entity designated to take fingerprints is the Tribal Gaming Commission. The Tribal Gaming Commission will take fingerprints and a copy of the procedures for conducting a criminal history check. Such a criminal history check shall include a check of criminal history records information maintained by the Federal Bureau of Investigation.
- D. The Tribal Gaming Commission shall request from each primary management official and key employee all of the following information:
 - 1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written);
 - 2. Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - 3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (C)(2) of this section;
 - 4. Current business and residential telephone numbers, and all cell phone numbers;
 - 5. A description of any existing and previous business relationships with other Tribes, including any ownership interests in those businesses;
 - 6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - 7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
 9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (C)(8) or (C)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 12. A current photograph;
 13. Any other information the Tribe deems relevant; and
 14. Fingerprints obtained in accordance with procedures adopted by the Tribes;
- E. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 18(C), shall be maintained;
- F. The Tribal Gaming Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Section 18. Procedures for Conducting Background Investigations

- A. The Tribal Gaming Commission, or its agent, shall employ or engage an

investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigator shall:

1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
2. Contact each personal and business reference provided in the license application, when possible;
3. Conduct a personal credit check;
4. Conduct a civil history check;
5. Conduct a criminal history records check;
6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
7. Inquire into any previous or existing business relationships with the gaming industry, including with any Tribes with gaming operations, by contacting the entities or Tribes;
8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

Section 19. Investigative Reports

- A. The Tribes shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
- B. Investigative reports shall include all of the following information:

- a. Steps taken in conducting the investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The basis for those conclusions.

Section 20. Eligibility Determinations

- A. Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

Section 21. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- B. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.
- C. The notice of results shall include the following information:

2025 FPT Revised Gaming Ordinance

Page | 20 of 26

Adopted August 25, 2025

1. The applicant's name, date of birth and social security number;
2. The date on which the applicant began, or will begin, working as a primary management official or key employee;
3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
4. A copy of the eligibility determination made in accordance with Section 21.

Section 22. Granting Gaming Licenses

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribes.
- B. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 22.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribes shall not employ an individual as a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation, however the individual may be employed in a non-key employee or non-Primary Management Official until licensed.

- F. The Tribal Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
- G. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- H. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- I. If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 25.

Section 23. Denying Gaming Licenses

- A. The tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 21 for making a license eligibility determination, that licensing the person:
 - 1. Poses a threat to the public interest;
 - 2. Poses a threat to the effective regulation of gaming; or
 - 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses after reconsideration, it shall:
 - 1. Notify the NIGC; and

2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 24. Gaming License Suspensions and Revocations

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment,, or the Gaming Commission receive on its own information and/or initiative, the Tribal Gaming Commission shall do the following:
 1. Immediately suspend the license;
 2. Provide the licensee with written notice of the suspension and proposed revocation; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. Following a revocation hearing, the Tribes shall decide whether to revoke or reinstate the license at issue.
- C. The Tribes shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 25. Records Retention

- A. The Tribal Gaming Commission shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribes, the following documentation:
 1. Application for licensing;
 2. Investigative Reports; and
 3. Eligibility Determinations.

Section 26. Licenses for Vendors

Vendors of gaming services or supplies, with a value of \$25,000 or more annually, must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

Section 27. Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribes, if applicable.

Section 28. Contents of the Vendor License Application

A. Applications for gaming vendor licenses must include the following:

1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;
3. If the applicant is a corporation, the State or Tribe of incorporation and the qualification to do business in the the Fort Peck Reservation and/or the State of Montana, if the gaming operation is in a different tribe or state then the tribe or state of incorporation.

4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
5. General description of the business and its activities;
6. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;
7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
8. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
10. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
11. If the business has ever had a license revoked for any reason, the circumstances involved;
12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
13. A list of the business' funding sources and any liabilities of \$50,000 or more;
14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and

15. Any further information the Tribe deems relevant.
- B. The following notice shall be placed on the application form for a vendor and its principals:
- Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.
- C. A vendor may submit to the Tribal Gaming Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribe not contained in the other application.

Section 29. Vendor Background Investigations

The Tribal Gaming Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:

- A. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
- B. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
- C. Conducting a check of the vendor's business' credit history;
- D. Calling and questioning each of the references listed in the vendor application; and
- E. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

Section 30. Vendor License Fees

The Tribes may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 31. Vendor Background Investigation Reports

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the Tribal Gaming Commission.

Section 32. Vendors Licensed by Recognized Regulatory Authorities

The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

Section 33. Compliance with Federal Law

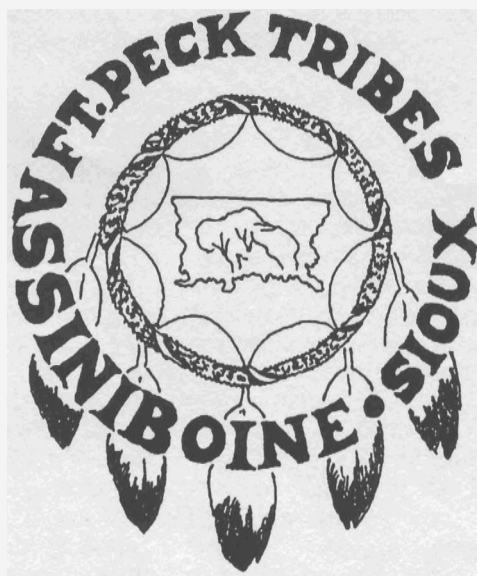
The Tribes shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

Section 34. Repeal

To the extent that they are inconsistent with this ordinance, all prior Tribal Gaming Ordinances are hereby repealed.

Section 35. Effective Date

This ordinance shall take effect immediately upon its approval by the NIGC Chair.



Constitution and By-Laws
with Amendments Incorporated

and

Enrollment Ordinance No. 1

of the

**Assiniboiné and Sioux
Tribes**

of the

Fort Peck Indian Reservation, Montana

Approved Effective October 1, 1960

CONSTITUTION AND BYLAWS OF THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION

ARTICLE I - PREAMBLE AND NAME

We, the adult members of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our Reservation affairs and business, to protect the sovereignty and the vested interest of our Tribes and members under treaties, agreements, and laws heretofore enacted, to procure for our Tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the Tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, do hereby establish this Constitution and Bylaws, with the legal name: "The Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana." (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "Tribes" to the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation; the "Board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary; "General Council" refers to an assembly of the qualified Electors of the Tribes).

ARTICLE II - TERRITORY

The jurisdiction of the Tribes shall extend to the territory within the original confines of the Fort Peck Reservation as defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212) and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

ARTICLE III - MEMBERSHIP

Membership of the Tribes of the Reservation shall consist of those persons who qualify in accordance with an ordinance approved by the Tribes in a referendum vote. A membership ordinance shall be submitted to the Tribes simultaneously with the submission of this Constitution for referendum vote by the Tribes.

ARTICLE IV - GOVERNING BODY

Section 1. The governing body of the Tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety (90) days any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the Tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council. (Amendment No. 2 approved 05/05/72.)

Section 2. The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-Arms, and twelve (12) Board members.

Section 3. The Chairman, the Vice-Chairman, Sergeant-at Arms and twelve (12) additional members of the Board shall be elected at large. The Secretary-Accountant shall be appointed from within or without the Board membership. (Amendment No. 1 approved 10/06/71.)

Section 4. The Chairman, the Vice-Chairman, the Sergeant-at-Arms, and Board members shall be elected for a two (2) year term.

Section 5. The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in Executive Board proceedings.

ARTICLE V - NOMINATIONS, ELECTIONS AND VACANCIES

Section 1. Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

Section 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are eighteen (18) years of age or over, are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his/her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least thirty (30) days prior to the date of election. (Amendment No. 3 approved 07/29/74 and Amendment No. 4 approved 02/13/78.)

Section 3. The first election of the Board under this Constitution and Bylaws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations, and ordinances, as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two (2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

Section 4. Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected

Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana and the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

Section 5. To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the Reservation.

(b) A qualified candidate having resided on the Reservation at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he/she has not received a pardon.

(c) All questions of residence as referred to in this Constitution shall be resolved by the Tribal Executive Board.

Section 6. The candidates for Chairman, Vice-Chairman, Sergeant-of-Arms and twelve (12) additional members of the Executive Board receiving the highest number of cumulative legal votes from all the districts shall be declared elected. (Amendment No. 1 approved 10/06/71.)

Section 7. The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of election, manner of protests and recounts, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Code of Montana, 1947, as amended, and effective at the time; and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Board.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

Section 1. The Tribal Executive Board shall declare a position on the Board vacant whenever a member shall die, resign, be removed or recalled from office. Such vacancies shall be filled as follows:

(a) If the office of Chairman shall become vacant, the Vice-Chairman shall become Chairman, and the office of Vice-Chairman shall then be filled as provided in Subsection (b) of this Section.

(b) If this office of Vice-Chairman shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Vice-Chairman at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Vice-Chairman.

(c) If the office of Secretary/Accountant shall become vacant, a successor shall be appointed for the remainder of his or her term as provided in Article IV, Sections 3 and 5.

(d) If the office of Sergeant-at-Arms shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Sergeant-at-Arms at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Sergeant-at-Arms.

(e) If any other seat on the Tribal Executive Board shall become vacant, it shall be automatically filled by the person who received the highest number of cumulative legal votes from all districts in the previous election, who meets the qualification for office on the date he or she takes office, who is not a member of the Board on the date he or she takes office; and who is willing to serve as a member of the Board.

(f) If a vacancy shall remain in any office for a reason, the Board may schedule a special election to fill the vacancy. (Amendment No. 7 as per Referendum vote of 10/26/91 and Tribal Resolution No. 2373-91-7, dated 07/10/91.)

Section 2. A board member or officer of the Board, may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

(a) Permanent change of residence from the Reservation.

(b) Conviction in any court of a felony while in office, and/or any course of conduct prejudicial to the Tribes.

(c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.

(d) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.

(e) All questions which cannot be resolved by the Tribal Executive Board shall be referred to the Fort Peck General Council.

ARTICLE VII - GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and Fort Peck General Council, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

Section 1. To negotiate with Federal, State and local governments, and others on behalf of the Tribes, and consult with representatives of the Department of the Interior on all activities which may affect the Tribes.

Section 2. To employ legal counsel for the protection of the rights of the Tribes.

Section 3. To make and enforce ordinances covering the Tribes' right to levy taxes and license fees on persons or organizations doing business on the Reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the Tribes shall be subject to the approval of the Secretary of the Interior.

Section 4. To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the Tribes.

Section 5. To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes or ordinances governing the conduct of the members of the Tribes and non-member Indians residing within the jurisdiction of the Tribes.

(a) To prescribe rules of inheritance, except allotted lands.

(b) To provide for an escheat of personal property to the Tribes of resident members who die intestate and without heirs.

(c) To protect and preserve the wildlife and natural resources of the Reservation, and to regulate hunting and fishing on the Reservation.

Section 6. To exclude from the restricted land of the Reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

Section 7. To adopt resolutions regulating the procedure of the Tribal Executive Board, its officials and committees in the conduct of tribal affairs.

Section 8. No authority contained in this Constitution and Bylaws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions for which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the Bylaws hereof.

Section 9. The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the Tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the Tribes.

ARTICLE VIII - FUTURE POWERS

The Tribal Executive Board may exercise future powers as may be granted to it by the membership of the Tribes by appropriate amendments to this document.

ARTICLE IX - RESERVE POWERS

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this Constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this Constitution.

ARTICLE X - BUSINESS AND FISCAL AUTHORITIES

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

Section 1. Not more than seventy percent (70%) of the income of the Tribes in the United States Treasury shall be paid out in per capita payments each year among the enrolled members of the Tribes.

Section 2. To administer any funds within the control of the Tribes; to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

Section 3. The Tribal Executive Board shall prepare annual budget requests for advance to the control of the Tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

Section 4. To manage, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interest in lands within the Fort Peck Indian Reservation, in accordance with law.

Section 5. To engage in any business that will further the economic well-being of the members of the Tribes, or undertake any programs or projects designed for the economic advancement of the people.

Section 6. To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the Tribes, with the approval of the Secretary of the Interior, or his authorized representative.

Section 7. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

Section 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and Bylaws, provided that any contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE XI - BYLAWS

Section 1 -- General Council

Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the time and place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

Section 2 -- Meetings

The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include dates, time, place, and purpose of special meetings at least three (3) days in advance.

Section 3 -- Quorum

A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

Section 4 -- Manner of Acting

The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these Bylaws.

Section 5 -- Account

(a) The Tribal Executive Board shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safeguards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(b) All checks, drafts, or other order for the payment of tribal money, notes, or other indebtedness issued in the name of the Tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

Section 6 -- Duties of Officers

Duties of Chairman:

- (a)** He shall preside at all regular and special meetings.
- (b)** He shall have general and active management of the affairs of the Tribes except that he shall not act on matters binding the Tribal Executive Board until that body had deliberated and decided its course of action.
- (c)** He shall see that all resolutions and ordinances are carried into effect.
- (d)** He shall execute all official papers of the Tribes when authorized to do so.
- (e)** He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.
- (f)** He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which the interest of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.
- (g)** He shall vote in the case of a tie only.

Duties of Vice - Chairman:

(a) In the absence of the Chairman, he shall preside. Then so presiding, he shall have all rights, privileges and duties, as set forth above under duties of Chairman, as well as the responsibility of the Chairman.

Duties of Secretary:

(a) He shall keep a book of minutes at the principal office of the Tribes or at such other place as the Tribal Executive Board may order, of all

meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.

(b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this Constitution.

(c) He shall keep the tribal roll showing all changes therein as required by this Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

Duties of the Secretary as Accountant:

(a) He shall keep and maintain, open to inspection by the members of the Tribes or representatives of the Commissioner of Indian Affairs at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribes.

(b) He shall have care and custody of the funds and valuables of the Tribes, and deposit same in the name of and to the credit of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.

(c) Disburse the funds of the Tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Accountant and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

Duties of Sergeant-at-Arms:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

ARTICLE XII - ROBERTS RULES OF ORDER

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this Constitution and Bylaws.

ARTICLE XIII - MANNER OF REVIEW

Section 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within (10) days of its enactment be presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

Section 2. If the Superintendent approves any resolution or ordinance it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within ninety (90) days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

Section 3. If the Superintendent disapproves any resolution or ordinance, he shall within ten (10) days after its receipt by him advise the Tribal Executive Board in writing of his reasons therefor, and if these reasons appear to the Board insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

ARTICLE XIV - REFERENDUM

Upon a petition of at least twenty-five percent (25%) of the eligible voters of the Tribes, or upon request of a majority of the Tribal Executive Board members, any enacted or proposed enactment of the Tribal Executive Board shall be submitted to a popular referendum and the vote of a majority of the qualified voters at that election shall be conclusive.

ARTICLE XV - AMENDMENT

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 Tribal Executive Board or General Council or under the provisions of Article XIV of this Constitution. (Amendment No. 6 approved 08/13/88.)

ARTICLE XVI - ADOPTION

This revised Constitution and Bylaws when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation,

Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes, was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by vote of seven hundred fifty six (756) For, and one hundred forty one (141) Against.

*(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board*

*(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board*

*(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency*

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

November 22, 1960

(sgd) George W. Abbott
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: November 30, 1960

The foregoing Constitution and Bylaws incorporates the changes approved by the following amendments:

Amendment No. 1

"That commencing with the elections to be held in 1971, all officers of the Executive Board, consisting of the Chairman, Vice-Chairman, Sergeant-at-Arms and twelve (12) additional members of the Board shall be elected at large."

Adopted at a special election called August 14, 1971, and approved by Assistant Secretary Loesch on October 6, 1971.

Amendment No. 2

"Section I of Article IV, GOVERNING BODY, shall be amended to read as follows:

Section 1. The governing body of the Tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety (90) days of any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the Tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100)

eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council."

Adopted at regular election on October 30, 1971, and approved by Assistant Secretary Loesch on May 5, 1972.

Amendment No. 3

"Section III, Article V, NOMINATIONS, ELECTIONS AND VACANCIES, shall be amended to read:

Section 2: All members of the Assiniboiné and Sioux Tribes, as determined by Article III of this constitution, who are eighteen (18) years of age or over, are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation provided they have registered their intent to vote in that district at least thirty (30) days prior to the date of the election."

Adopted at regular election on October 27, 1973, and approved by Area Director Canan on July 29, 1974.

Amendment No. 4

Article V, NOMINATIONS, ELECTIONS AND VACANCIES, Section 2 shall be amended to read:

"Section 2: All members of the Assiniboiné and Sioux Tribes, as determined by Article III of this Constitution, who are eighteen (18) years of age or over are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least thirty (30) days prior to the election date."

Adopted at regular election on October 29, 1977, and approved by Area Director Canan on February 13, 1978.

Amendment No. 5

Article XI, Bylaws, Section 5, ACCOUNT, repeal Article XI, Section 5(a) of the Bylaws and conform the present paragraph numbers "Section 5(b)" and "Section 5(c)" to "Section 5(a)" and "Section 5(b)".

Adopted at regular election on October 29, 1977, and approved by Area Director Canan on February 13, 1978.

I hereby certify that the above is a true and correct copy of Constitution and Bylaws of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation, Montana, duly approved effective October 1, 1960, by letter dated November 30, 1960, from Assistant Secretary of the Interior, George W. Abbott, to Dale Baldwin, Superintendent, Fort Peck Agency and incorporating I, II, III, IV, and V duly approved as indicated above.

Burton A. Rider
Superintendent, Fort Peck Agency

Poplar, Montana

Amendment No. 6

Article XV, Bylaws, shall be amended to read:

"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 Tribal Executive Board or General Council or under the provisions of Article XIV of this Constitution."

Adopted at special election on May 7, 1988, and approved by Deputy Assistant to Secretary, Hazel Elbert on September 13, 1988.

Hazel E. Elbert
Deputy Assistant to Secretary

Amendment No. 7

Article VI, VACANCIES AND REMOVAL FROM OFFICE, Section 1, shall be amended to read:

"**Section 1.** The Tribal Executive Board shall declare a position on the Board vacant whenever a member shall die, resign, be removed or recalled

from office. Such vacancies shall be filled as follows:

(a) If the office of Chairman shall become vacant, the Vice-Chairman shall become Chairman, and the office of Vice-Chairman shall then be filled as provided in Subsection (b) of this Section.

(b) If the office of Vice-Chairman shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Vice-Chairman at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Vice-Chairman.

(c) If the office of Secretary/Accountant shall become vacant, a successor shall be appointed for the remainder of his or her term as provided in Article IV, Sections 3 and 5.

(d) If the office of Sergeant-at-Arms shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Sergeant-at-Arms at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Sergeant-at-Arms.

(e) If any other seat on the Tribal Executive Board shall become vacant, it shall be automatically filled by the person who received the highest number of cumulative legal votes from all districts in the previous election, who meets the qualifications for office on the date he or she takes office, who is not a member of the Board on the date he or she takes office; and who is willing to serve as a member of the Board.

(f) If a vacancy shall remain in any office for a reason, the Board may schedule a special election to fill the vacancy."

Adopted by affirmative Referendum vote at regular election on October 26, 1991, and by previous Tribal Executive Board Resolution No. 2373-91-7, dated 07/10/91.

ENROLLMENT ORDINANCE

WHEREAS, the Tribal Executive Board of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana, ascertained that it is necessary to determine membership of the Tribes in order that per capita payments may be made, and to provide otherwise for the general welfare of its members.

NOW, THEREFORE, BE IT RESOLVED, that membership of the Assiniboiné and/or Sioux Tribes of the Fort Peck Reservation shall consist of:

Section 1. Qualifications. The following individuals automatically qualify for membership in the Assiniboiné and Sioux Tribes of the Fort Peck Reservation and shall be enrolled if they comply with the rules of procedure prescribed for enrollment by the Tribal Executive Board.

(a) Basic Rolls. Each living person of Assiniboiné and/or Sioux blood whose name appears on either the 1932 annuity payment roll or an allotment schedule prepared and approved pursuant to the Acts of February 8, 1887 (24 Stat. 388), February 28, 1891 (26 Stat. 794), May 30, 1908 (35 Stat. 558), August 1, 1914 (38 Stat. 593), February 14, 1920 (41 Stat. 408), and March 3, 1927 (44 Stat. 1401), provided that he or she is not enrolled as a member of some other tribe.

(b) Descendants of Persons on Basic Roll. Each living person who is of one-fourth (1/4) or more Assiniboiné or Sioux blood born prior to the effective date of this constitution who is a lineal descendant of a person whose name appears on one or both of the documents specified in (a) of this Section regardless of whether such annuitant or allottee is living or deceased, provided that he or she is not a member of some other tribe at the time of application for enrollment and provided further, that he or she is a citizen of the United States. Any such person may apply for enrollment at any time. **(AMENDMENT NO. 1 AS PER REFERENDUM VOTE OF 05/07/88.)**

(c) Adoptees. Each person adopted into tribal membership by the General Council prior to the effective date of this Constitution whose adoption was approved by the Secretary of the Interior, or his authorized representative, provided such adoptee has not subsequently become enrolled as a member of some other tribe.

(d) Future Members. Each child of one-fourth (1/4) or more Assiniboiné and/or Sioux blood born after the effective date of this ordinance to any member of the Assiniboiné and Sioux Tribes, provided that the child is not a member of some other tribe at the time of application for enrollment and provided further, that the child is a citizen of the United States at the time of the child's birth. **(AMENDMENT NO. 2 AS PER REFERENDUM VOTE OF 05/07/88.)**

(e) Associate Members. Each child of one-eighth (1/8) or more but less than one-quarter (1/4), Assiniboiné and/or Sioux blood born to any member of the Assiniboiné and Sioux Tribes, provided the child is a citizen of the United States at the time of the child's birth. Associate members shall not be eligible to vote in Tribal elections or to share in any distribution of tribal funds or property, but shall otherwise be eligible for benefits as Indians as provided by Law. **(AMENDMENT NO. 4 AS PER REFERENDUM VOTE OF 05/07/88.)**

Section 2. Loss of Membership. In no case shall a member lose his membership other than by personal request in writing to the Tribal Executive Board or establishing residence in a foreign country.

Section 3. Rules of Procedure. The Tribal Executive Board shall have the authority to appoint an Enrollment Committee of seven (7) tribal members and to prescribe rules to be followed by the Committee and by the tribal members in compiling a membership roll in accordance with the provisions of this Article. The completed roll to be approved by the Tribal Executive Board, and in a case of distribution of tribal assets the roll shall be submitted to the Secretary of the Interior for final approval by him or by his authorized representative prior to such distribution.

Section 4. Appeals. Any person who has been rejected for enrollment as a member of the Assiniboiné and Sioux Tribes shall have the right to appeal within sixty (60) days from the date of receipt of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Board, and the decision of the Secretary of the Interior shall be final.

Section 5. Definition. The terms "Assiniboiné or Sioux blood" or "Assiniboiné and/or Sioux blood" as used in this Ordinance, means the blood of the Assiniboiné or the Sioux Tribes of the Fort Peck Reservation, Montana, or the blood of any other federally recognized Assiniboiné or Sioux Tribes, or any combination of Assiniboiné and Sioux blood. The burden shall be on the applicant for enrollment to establish the requisite degree of blood by evidence satisfactory to the Executive Board. **(AMENDMENT NO. 3 AS PER REFERENDUM VOTE OF 05/07/88.)**

BE IT FURTHER RESOLVED, that this membership ordinance when adopted by a majority vote of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board shall be in full force and effect.

CERTIFICATE OF ADOPTION

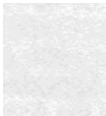
Pursuant to an election called by the Fort Peck Tribal Executive Board the attached Enrollment Ordinance of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote

of seven hundred forty four (744) For, and one hundred forty four (144)
Against.

(sgd) Austin Buckles -
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency



APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, hereby approve the attached Enrollment Ordinance of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

Nov. 22, 1960

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

(sgd) George W. Abbot
Assistant Secretary of the Interior

Washington, D.C.
Date: November 30, 1960

**Assiniboine and Sioux Tribes
of the
Fort Peck Indian Reservation , Montana**

**Insert to Constitution and By-Laws with Amendments authorized
by General Election held October 26, 2013
(to be inserted in published booklet until a new version is printed)**

Amdt. 8. This amendment established Art. IV, § 6, which includes the following language: "The Board shall adopt a Code of Ethics governing behavioral standards for the Board, which apply to all voting and non-voting members of the Board."

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 9. This amendment removed the language: "the members of the Tribes and non-member Indians residing" from Art. 7, § 5 (Governmental Powers), which had previously limited the criminal jurisdiction of the Tribes to offenses committed by Indian persons only and replaced it with less restrictive language: ("persons") which allows the Tribes to exercise criminal jurisdiction over non-Indians, as permitted by federal law.

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 10. This amendment established Art. VII, §§ 5(d) and 5(e) (Governmental Powers), clarifying that the Executive Board may exercise its powers to protect and preserve the cultural and spiritual sites, medicinal plants and natural foods within the Reservation:

- (d) To protect and preserve cultural and traditional/spiritual sites and landmarks within the boundaries of the Reservation.
- (e) To protect and preserve the Tribes' culture, including traditional medicinal plants and natural foods.

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 11. This amendment added the following language to Section 9 of Article VII (Governmental Powers), requiring claims councils, district councils and other organizations to submit an annual audited fiscal report: "The Tribal Board will require all such recognized organizations to submit an annual audited fiscal report to the Board for review and public release."

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

[End of Document]