



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, “*Vape Pen Use on Fort Berthold Reservation By Juveniles.*”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, also known as the Mandan Hidatsa Arikara Nation (“Tribes” or MHA Nation”) generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Fort Berthold District Court and the Juvenile Department, as part of their duties and responsibilities, are to protect and provide services to our MHA Nation youth in elementary and high schools on Fort Berthold Reservation; and

WHEREAS, The Fort Berthold District Court and the Juvenile Department continue to see more juveniles using vape pens; and

WHEREAS, The Juvenile Department has documented that some of the vape pens/electronic smoking devices have THC and other illegal substances in the pens; and



WHEREAS, Pursuant to Federal Law, the tobacco age is twenty-one (21) years of age or older. As an example, under North Dakota Century Code Chapter 12.1-31-03, sale and use of tobacco, electronic smoking devices, or alternative nicotine products to an individual under twenty-one years of age and use by an individual under twenty-one years of age is prohibited; and

WHEREAS, The Tribal Business Council finds that juveniles, within the meaning of Tribal law, should not be in possession of a Vape Pen/Electronic Smoking Device anywhere within Fort Berthold Indian Reservation, and this includes schools, public areas, Tribal buildings/structures, etc.; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the prohibition of *Vape Pen/Electronic Smoking Device Use on the Fort Berthold Reservation by Juveniles*; and

BE IT FURTHER RESOLVED, that juveniles, within the meaning of Tribal law, caught with a Vape Pen/Electronic Smoking Device may be treated as Possession of Drug Paraphernalia, depending on the circumstances, since Tobacco/THC is a drug under the criminal code of the Three Affiliated Tribes 1000.16, and the minimum punishment is a \$100.00/7 days incarceration with a maximum of \$500.00/180 days incarceration. The punishment may be suspended for Probation; and

BE IT FURTHER RESOLVED, that said juveniles caught with a Vape Pen/Electronic Smoking Device with Tobacco/THC may be charged with Possession of a Controlled Substance, under the criminal code of the Three Affiliated Tribes 3A-2-14, and the minimum is \$100.00/7 days incarceration with a maximum of \$300.00/90 days incarceration. The punishment may be suspended for Probation; and

BE IT FINALLY RESOLVED, that possession by said juveniles of Vape pens/electronic smoking devices is henceforth to be prohibited on the Fort Berthold Reservation in schools, public areas, Tribal buildings/structures, etc.

<SIGNATURE PAGE TO FOLLOW>




CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13th day of September, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [] Voting. [X] Not Voting.

Dated this 13th day of September, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes