

SECOND AMENDMENT TO
FORT PECK TRIBES – MONTANA
ALCOHOLIC BEVERAGES TAX AGREEMENT

Pursuant to Section 8 of the Fort Peck Tribes – Montana Alcoholic Beverages Tax Agreement, hereinafter referred to as “Agreement,” the Assiniboine and Sioux Tribes of the Fort Peck Reservation, hereinafter referred to as “Tribes” and the State of Montana, Department of Revenue, hereinafter referred to as “State” hereby amend the Agreement as follows:

Section 4(a) is amended to read as follows:

For each calendar year, the Fort Peck Tribes shall receive an amount of the liquor, beer, and wine taxes pre-collected for liquor, beer, and wine consumed on the Fort Peck Reservation, which approximates sales to enrolled tribal members living on the Fort Peck Reservation. The amount of liquor, beer, and wine taxes that the Fort Peck Tribes receive shall be determined by multiplying the total number of enrolled members of the Fort Peck Tribes living on the Fort Peck Reservation as last determined on each March 31, by the Bureau of Indian Affairs, Billings Area Office, times 100 percent of the general fund portion of the Montana per capita liquor, beer, and wine taxes collected in the corresponding quarter of the prior fiscal year.

The first paragraph of Section 5, is amended to read as follows:

The Agreement shall be for a term of ten years from the effective date of the Second Amendment to the Fort Peck Tribes – Montana Alcoholic Beverages Tax Agreement. This Agreement shall be subject to the renewal provision of Section 8 unless terminated in writing by either party upon written notice to the other. This Agreement shall automatically remain in effect for successive ten-year periods beyond its term if neither party terminates the Agreement as provided above or if the parties fail to renew the Agreement as provided in paragraph 8 of this Agreement. Remittance of funds by the State to the Tribes in the event of termination of the Agreement shall be as follows:

Section 7 is amended to read as follows:

The Second Amendment to the Fort Peck Tribes – Montana Alcoholic Beverages Tax Agreement shall be effective October 1, 2003.

Section 8(b) is amended to read as follows:

(b) Six months prior to expiration of the ten-year term set forth in the Second Amendment to the Fort Peck - Montana Alcoholic Beverages Tax Agreement

provided for in Section 5 of this Agreement, the parties should meet to negotiate in good faith a renewal of the Agreement.

As required by Section 8 of the Agreement, the parties' signatures are set forth below. Except as expressly amended hereby, all terms and conditions of the Agreement remain in full force and effect.

DATED this 10th day of March, 2004.

STATE OF MONTANA

/S/ NEIL PETERSON

For Don Hoffman
Acting Director of Revenue

ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION

/S/ RAY

For John Morales, Jr., Chairman
Fort Peck Tribal Business Council

Approved pursuant to § 18-11-105, MCA.

/S/ MIKE MCGRATH

Mike McGrath
Attorney General