

**SECOND AMENDMENT TO  
CHIPPEWA CREE TRIBE – MONTANA  
TOBACCO TAX AGREEMENT**

This SECOND AMENDMENT TO CHIPPEWA CREE TRIBE TOBACCO TAX AGREEMENT (“Agreement”) is entered into between the State of Montana, Department of Revenue (“State”) and the Chippewa Cree Tribe of the Rocky Boy’s Reservation (“Tribe”).

RECITALS

WHEREAS, the State and the Tribe entered into the Chippewa Cree Tribe-Montana Tobacco Tax Agreement (“Original Agreement”) on December 23, 2005; and

WHEREAS, the State and the Tribe entered into the First Amendment to Chippewa Cree Tribe-Montana Tobacco Tax Agreement (“First Amended Agreement”) on May 24, 2006,

WHEREAS, the Original Agreement and First Amended Agreement may be amended by the parties pursuant to Section 9 of the Original Agreement; and

WHEREAS, the parties desire to amend certain parts of the Original Agreement;

WHEREAS, the Tribe acknowledges and agrees that there are still issues that the State believes need to be addressed in the Original Agreement as amended that do not affect the calculation under Section 5 of the Original Agreement as amended;

WHEREAS, the Tribe expressly agrees to work with the State to resolve these further issues within 60 days of the date of this Second Amendment to Chippewa Cree Tribe – Montana Tobacco Tax Agreement and that failure to resolve these issues within the timeline provided may constitute cause for termination under the First Amended Agreement;

THEREFORE, the State and the Tribe agree to amend the Original Agreement as follows:

Section 6 of the Original Agreement is amended to read as follows:

6. Term

This Agreement shall be for a term of ten (10) years, commencing January 1, 2011, and terminating December 31, 2021, subject to the renewal provision below.

8. Effective Date

This Agreement is effective January 1, 2011, so long as the following conditions precedent are met: The Tribe has adopted and provided a copy to the State of an ordinance as required by Section 4 above which ordinance will be in effect for the duration of the Agreement; the Agreement has received the final approval of the Business Committee; and, the Agreement has been approved by the State Attorney General as required by § 18-11-105, MCA.

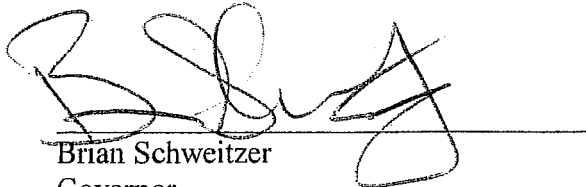
As required by Section 9 of the Agreement, the parties' signatures are set forth below. Except as expressly amended hereby, all terms and conditions of the Agreement remain in full force and effect.


This Amendment consists of two (2) pages.

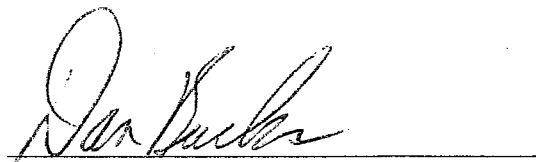
DATED this 30 day of September, 2011.

STATE OF MONTANA

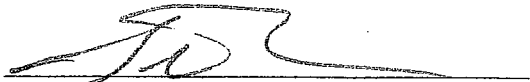
CHIPPEWA CREE TRIBE OF  
THE ROCKY BOY'S  
RESERVATION

  
\_\_\_\_\_  
Brian Schweitzer  
Governor

  
\_\_\_\_\_  
Bruce Sunchild, Sr., Chairman  
Chippewa Cree Business Committee

  
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Dan Bucks  
Director of Revenue

Approved pursuant to Mont. Code Ann. § 18-11-105

A handwritten signature in black ink, appearing to read 'S. Bullock', is written over a horizontal line.

Steve Bullock, Attorney General