

RESOLUTION NUMBER **TMBC221-03-23** OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band acting under a revised Constitution and By-Laws approved by the Secretary of the Interior on June 16th, 1959 and amendments thereto approved; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with Federal, State, and Local Governments and with private persons; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and

WHEREAS, the Tribe is proposing revisions to Title 43, Credit Transaction Code to provide for changes for the lending title for better protection for the Tribe and the borrowers; and

WHEREAS, the Tribe, by Resolution No. TMBC113-02-23, approved a 30 day public comment period for proposed revisions to Title 43, Credit Transaction Code, and no comments were made; now

THEREFORE BE IT RESOLVED that the Tribe is approving revisions to the Tribal Code, Title 43, Credit Transactions Code, as published in the comment period notice; and

BE IT FURTHER RESOLVED that the Tribal Code will be codified accordingly to insert amendments to Title 43.

C E R T I F I C A T I O N

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of **nine (9) members** of whom **seven (7)** constituting a quorum were present at a meeting duly called, convened and held on the on the **23rd day of March, 2023** that the foregoing resolution was adopted by an affirmative vote of **six (6) in favor** – Representatives Blaine “Slugger” Davis, Ron Trottier Sr., Craig Lunday, Kenneth Malaterre, Elmer Davis Jr. and Chad Counts; two (2) absent- Representatives Lynn Gourneau and Jon Jon Keplin; none (0) opposed; with the Chairman not voting.


Joleen A. Morin, Tribal Secretary **3/28/23**

SIGNED INTO LAW/Dated this **28th** day of **March**, 2023
 VETOED/Dated this _____ day of _____, 2023


Jamie Azure, Tribal Chairman

TITLE 43, TRIBAL LENDING CODE

43.0101 TITLE & PURPOSE

4.

- (b) All Covered Loans, Lending Operations, and Service Providers ~~Provers~~ are subject to regulation by the Tribal Lending Regulatory Commission (Commission) as set forth in this Code.

43.0105 DEFINITIONS

- (f) "Key Employee" means only the Chief Executive Officer, **Chief Compliance Officer, Chief Finance Officer, the head of Compliance, the head of Finance, or if such a position does not exist,** any person acting in a similar capacity. ~~Chief Compliance Officer, the Chief Financial Officer, or any person acting in such capacity with management responsibilities for a Lending Operation.~~
- (r) "Tribal Lands" means all lands within the **jurisdiction limits** of the Turtle Mountain Band of Chippewa Indian Reservation, and any lands title to which is either held in trust by the United States for the benefit of the Tribe or a member of the Tribe, or held by the United States for the benefit of the Tribe or member of the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental power. **Tribal Lands further include tribal digital jurisdiction and sovereign authority over the data related to their citizens, businesses, and activities online, and that the collection, use, and application is subject to Tribal Law and Policies.**

43.0106 TRIBAL LENDING REGULATORY COMMISSION.

2.

- (c) Examine ~~on-site~~ each Licensee annually and more frequently if the Commission considers it necessary;
- (d) supervise the activities of Lending Operations and **through supervision of Lending Operations,** applicable activities of Service Providers in connection with services provided to Lending Operations, to ensure compliance with Tribal Law, this code, and applicable Tribal Consumer Protection Laws;
7. Any person appointed as a Commissioner must be at least 21 years of age; show proof of ~~high school diploma or equivalent as well as~~ **a bachelor's degree in a relevant field such as but not limited to: law, finance, accounting or business; possess at least 5 ~~10~~ years of expertise,**

experience **employed in leadership positions demonstrating consistent advancement** education, or a combination thereof in lending, finance, management, business, governmental regulation, law, **accounting**, and/or Tribal policy; and, in the Tribal Council's sole opinion, the organizational abilities to effectively manage the business of the Commission and make decisions on behalf of the Commission. No person shall serve as a Commissioner if convicted of or has entered a plea of no contest to any felony or to a misdemeanor involving breach of trust or dishonesty in any jurisdiction; or, in the Tribal Council's sole discretion, has reputation, habits, or associations that could undermine the integrity of the Commission or its roles in protecting Consumers.

43.0201 LENDING OPERATIONS, LOANS, AND LOAN PRODUCTS; USE OF REVENUES.

4. All Loan Products shall be Licensed and adhere to this Code and the Tribal Consumer Protection Laws. ~~Licensed Loan Products offered under this Code shall not be void under the law of any other jurisdiction.~~ Without limiting the general application of the foregoing, the following conduct is required under this code:

5. All Service Providers shall be **registered** with the Commission **Licensed** and adhere to this Code and the Tribal Consumer Protection Laws. Service Providers shall be subject to applicable sections of this code without regard to place of incorporation or headquarters location.

6. All Key Employees shall be **registered with the Commission, may be subject to background checks** ~~Licensed~~ and adhere to this Code and the Tribal Consumer Protection Laws. ~~Licensed~~ Key Employees shall be subject to applicable sections of this Code without regard to place of residence or Tribal membership.

43.0202 LENDING LICENSES REQUIRED, APPLICATIONS, AND LICENSE FEES.

1. Each Lending Operation, ~~Key Employee, Service Provider,~~ and Loan Product shall be licensed by the Commission. The form and content of the license application shall be determined by the commission. The Commission may promulgate rules regarding licensing, provisional, and temporary licenses, and application materials. **Key Employees and Service Providers of each Lending Operation shall be registered with the Commission with the submission of each Lending Operation and Loan Product license application.**

43.0302 REGULATION OF CONSUMER DATA.

- 2.

- (e) Licensees shall report to the Commission all discovered security breaches and unauthorized transfers as soon as possible, but not later than **thirty (30) days** ~~forty-eight hours~~ after a breach or unauthorized transfer was discovered.

43.0303 PROHIBITED ACTS; VIOLATIONS.

2.

- (f) **No Person shall attempt to, or collect on, a Covered Loan ~~debt that is~~ beyond four (4) years from the date of charge-off as recorded by the Lending Operation ~~on the debt incurred by a Covered Loan Borrower is charged off by the Lending Operation.~~ This limitation period applies to all Covered Loans, retroactively and prospectively, regardless of who owns the Covered Loans or attempts to, or collects on, the Covered Loans.**