

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes 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 VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to exercise all sovereign authority - legislative and judicial - within the scope of the jurisdiction recognized in Article I of the Constitution; and
- WHEREAS,** Article I of the Constitution of the Three Affiliated Tribes provides that the jurisdiction of the Tribes shall extend to all persons and to all lands within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS,** Section 7(e) of Chapter 21 of the Code of Laws of the Three Affiliated Tribes prescribes a maximum rate of interest on a loan of money, which prescribed rate is incongruous with current prevailing and legally allowable interest rates and fails to provide for any flexibility in the maximum rate of interest based upon and in consonance with the fluctuation in prevailing and allowable interest rates in the financial market; and
- WHEREAS,** Such unrealistic and inflexible maximum allowable interest rate on loans of money prescribed by Section 7(e) of Chapter 21 of the Code of Laws could readily serve as a legal, nondiscriminatory barrier to the ability of enrolled members of the Tribes to secure loans from financial institutions; and
- WHEREAS,** Based upon the foregoing, it is the considered judgment of the Tribal Business Council that it is necessary to amend Section 7(e) of Chapter 21 of the Code of Laws for the purpose of protecting the interests and preserving the legal rights of the Three Affiliated Tribes and their enrolled members;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes, pursuant to its Constitutional authority, hereby approves and enacts the proposed amendment of Section 7(e) of Chapter 21 of the Code of Laws of the Three Affiliated Tribes, a photostatic copy of which amended provision in its entirety is attached hereto.

BE IT FURTHER RESOLVED, That the attached amended Section 7(e) of Chapter 21 of the Code of Laws shall replace and supersede the former Section 7(e) of Chapter 21 in its entirety.

BE IT FURTHER RESOLVED, That the attached amended Section 7(e) of Chapter 21 of the Code of Laws shall become effective immediately.


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

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the day of June, 1989; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 13th day of June, 1989.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

SECTION 7(e)
OF CHAPTER 21
OF THE CODE OF LAWS
OF THE THREE AFFILIATED TRIBES

Usury defined; maximum interest rate; prohibition. No person, partnership, limited partnership, trust, association, corporation, or other form of business entity, either directly or indirectly, shall take or receive, or agree to take or receive, in money, goods, or things in action, or in any other way, any greater sum or greater value for the loan or forbearance of money, goods, or things in action than five and one-half percent per annum higher than the current cost of money as reflected by the average rate of interest payable on United States treasury bills maturing in six months for the six months immediately prior to the month in which the transaction occurs. No contract shall provide for the payment of interest on interest overdue, but this section shall not apply to a contract to pay interest at a lawful rate on interest that is overdue at the time such contract is made. Any violation of this section shall be deemed usury. Further, without regard to the interest rate limit set forth herein, banks may charge interest at a rate equal to the maximum allowable rate which lawfully may be charged for a particular type of loan by national, Tribal, or State banking associations or by federal, Tribal, or State savings and loan associations chartered by the United States, by the Three Affiliated Tribes, or by the State of North Dakota.