

SENATE JOINT RESOLUTION NO. 4

INTRODUCED BY J. COBB

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING MONTANA TRIBAL GOVERNMENTS TO ADOPT SECURED TRANSACTION COMMERCIAL CODES, ENCOURAGING THE DEVELOPMENT OF TRAINING PROGRAMS FOR TRIBAL COURTS ON THE USE OF THE CODES, AND REQUESTING AN APPROPRIATE LEGISLATIVE COMMITTEE TO REPORT ON THE IMPLEMENTATION OF THE CODES AND THE TRAINING.

WHEREAS, economic development and affordable housing needs are among the most critical of issues facing Indian Country; and

WHEREAS, one significant barrier frequently faced by American Indian-owned businesses and American Indian consumers on reservations is the lack of access to affordable credit for business, housing, or other consumer purposes; and

WHEREAS, the importance of credit as a fundamental component of economic and housing development cannot be overstated; and

WHEREAS, the pervasive lack of access to affordable credit and capital can be generally attributed to the fears and apprehensions routinely expressed by non-Indian lenders and other potential business partners and investors; and

WHEREAS, this has been a persistent problem throughout Indian Country; and

WHEREAS, commercial codes are important tools for enabling and supporting tribal economic and housing development by improving access to commercial and consumer credit; and

WHEREAS, fundamental to the goal of building sound economies is the need for commercial laws that will enhance tribal business environments by reducing risks for outside lenders and other nontribal entities that do business with tribes, tribal enterprises, Indian-owned private businesses, and Indian consumers.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That each tribal government in Montana be encouraged to review the model tribal secured transaction law developed by the National Conference of Commissioners on Uniform State Laws and, if agreeable to the



1 tribal government, adopt the model law for use on its reservation.

2 BE IT FURTHER RESOLVED, that the Montana Bar Association, the University of Montana Law School,
3 the Montana Judiciary, and the Legislature be encouraged to, upon request, assist tribal courts in developing
4 and implementing a training course, including ongoing education, on the use of secured transaction commercial
5 codes.

6 BE IT FURTHER RESOLVED, that the Legislative Council be requested to designate an appropriate
7 interim committee or statutory committee to provide a report to the 60th Legislature on the review and
8 implementation of secured transaction commercial codes by tribal governments and the implementation of the
9 training for tribal courts.

10 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Montana
11 Bar Association, the University of Montana Law School, the Montana Supreme Court, the 22 judicial districts,
12 and each tribal government located on the seven Montana reservations.

13 - END -