

PUBLIC NOTICE

A comment period is being provided for possible amendments to the Tribal Code, Section 43, the Credit Transaction Code, Section 43.0405 as follows:

The Tribe through the TERO and Compliance Offices shall require and cause every online loan transaction to be recorded, including but not limited to,:

- a) all applications for loans whether approved or not approved for a loan; and**
- b) all sales of participation interests in loans; and**
- c) all sales of loans; and**
- d) all re-payments or payments on loans whether principal or interest; and**
- e) all notices of arrears; and**
- f) all notices of default; and**
- g) all negotiated settlements of loan arrearages; and**
- h) all loans or parts of loans forgiven; and**
- i) all vendors used to provide any service facilitating such loans.**

Any entity doing business in the Tribe's territory or within the reservation making short term loans and charging interest of 100% or more per annum on such loans shall be assessed:

- (a) a flat 15.99% receipts tax upon the interest revenue derived from the repayment of that loan without regard to any modification to the terms of the loan and without regard to whether any other entity has been sold or otherwise holds a participation interest in such loan. Such entity shall pay or cause to be paid such tax on a monthly basis. Any tax revenues paid by or collected from the entity in excess of the assessed amount shall be reconciled and refunded to the entity within 90 days from the end of the Tribe's fiscal year ending on September 30 of each calendar year; and**
- (b) a flat 15.99% receipts tax upon the revenue derived from selling a loan, including loan modifications or extensions, and regardless whether any other entity has been sold or otherwise holds a participation interest in such loan. Such entity shall pay or cause to be paid such tax on a monthly basis. Any tax revenues paid by or collected from the entity in excess of the assessed amount shall be reconciled and refunded to the**

entity within 90 days from the end of the Tribe's fiscal year ending on September 30 of each calendar year; and

(c) a flat 15.99% transaction tax upon the revenue, whether at a profit or loss, derived from proceeds from selling a participation in the loan, including a participation in any loan modification or extension. Such entity shall pay or cause to be paid such tax on a monthly basis. The incidence and liability of such tax shall rest upon the buyer of the participation interest. Any tax revenues paid by or collected from the entity in excess of the assessed amount shall be reconciled and refunded to the entity within 90 days from the end of the Tribe's fiscal year ending on September 30 of each calendar year; and

(d) a flat fee of twenty-five dollars (\$25.00) per loan payable to the Tribe immediately upon approval of the any loan or loan modification; and

(e) a flat tax in the amount of 5.9% upon the total amount of any transfer of capital, revenue, or value exceeding three million dollars (\$3,000,000.00), paid to or by any consultant(s), investor(s), or vendor(s), not derived from a sale of participation interest, a sale of a loans, or revenue derived from interests paid by borrowers on such loans, whether such transfer of capital, revenue, or other value is due to borrowing, lending, paying, or repaying; and such tax shall be withheld by such entity in the Territory originating such transfer or receiving such transfer. Any tax revenues paid by or collected from the entity in excess of the assessed amount shall be reconciled and refunded to the entity within 90 days from the end of the Tribe's fiscal year ending on September 30 of each calendar year.

That any other entity doing business with an entity doing business in the Tribe's territory or within the reservation making short term loans and charging interest of 100% or more on such loans shall annually obtain and hold a valid business license issued by the Tribe pursuant to TERO law and policy.

Copies of the proposed amendments are available at the Tribal Records Dept. or can be viewed on the website at: www.tmbci.org. Written comments can be submitted by sending to PO Box 900, Belcourt, ND 58316, by fax at 477-0916 or by email to tribalrecordsdept@yahoo.com.

Please contact the Tribe or Tribal Records Dept if there are any questions: 477-2600, 477-2602, 477-2677 or 477-2603