

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 69

COMMERCIAL CODE

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Council Adopted
10-10-96

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SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 69

COMMERCIAL CODE

**SECTION I
GENERAL**

S. W. S. T. CODE
 Amendment
 New Adoption
Judicial Approved
06-06-96
Council Adopted
06-06-96

69-01-01 *Title and Purpose*

It being necessary to strengthen the government of the Sisseton-Wahpeton Sioux Tribe by exercising the specific grant of authority contained in Sections 1(g) and 1(h) of the Sisseton-Wahpeton Sioux Tribe Constitution to levy and collect taxes, to license and regulate certain conduct within the jurisdiction of the Tribe, to provide financing for the current expenses of the Tribal Government, expand Tribal Government operations and services, educate members of the Tribe, promote economic growth, support capital improvements and increase consumer services, in order for the Tribe to efficiently and effectively exercise its confirmed inherent sovereignty and governmental responsibilities and enhance the general well-being of members of the Tribe and others within the jurisdiction of the Tribe, the Tribe hereby adopts this Chapter 69, the Sisseton-Wahpeton Sioux Tribe Commercial Code. Chapter 69 is adopted for the purpose of enhancing the Tribe's ability to contract, resolve disputes with vendors, enter into third party financing and provide an orderly system of commercial law to the community and Tribal members.

69-02-01 *Jurisdiction*

In accordance with Article I of the Sisseton-Wahpeton Sioux Tribe Constitution, the Tribal Council hereby affirmatively declares, asserts, and extends the jurisdiction of the Tribe over all areas within the original exterior boundaries of the Lake Traverse Indian Reservation, as described in Article III of the Treaty of February 19, 1867, that are held by the United States in trust for the Tribe or any individual Indian, all other lands owned by the Tribe or any individual Indian, all allotments covered by 18 U.S.C. § 1151(c), and all dependent Indian Communities within the original boundaries of the Lake Traverse Indian Reservation as defined by 18 U.S.C. § 1151(b), as well as all dependent Indian Communities otherwise deemed to be Indian Country and subject to jurisdiction of the Sisseton-Wahpeton Sioux Tribe.

69-03-01 *Severability*

If any clause, sentence, paragraph, section, or part of this Commercial Code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

69-04-01 ***Continuity of Law***

It is hereby declared that the legislative intent of the Sisseton-Wahpeton Sioux Tribal Council is that enactment of the Sisseton-Wahpeton Sioux Tribe Commercial Code of 1996 shall have prospective effect only.

69-05-01 ***Construction***

This Commercial Code shall be interpreted and applied in a manner consistent with all other Codes, Laws, Ordinances, Resolutions, and Regulations of the Sisseton-Wahpeton Sioux Tribe.

69-06-01 ***Amendments***

This Commercial Code may be amended only upon an affirmative vote of a majority of the Sisseton-Wahpeton Sioux Tribal Council.

69-07-01 ***Effect of Headings***

Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Commercial Code.

69-08-01 ***Effective Date***

The effective date of this Chapter 69 Commercial Code shall be the date of adoption by the Tribal Council.

69-09-01 ***Uniform Commercial Code***

The following provisions shall be numbered as numbered in the 1995 Uniform Commercial Code.

SECTION II
GENERAL PROVISIONS

69-09-01 ***Short Title, Construction, Application and Subject Matter of the Act***

Incorporated by this reference as though set forth fully herein, are Sections 1-101 through 1-109 of Article 1, Part 1, of the 1995 Official Text of the Uniform

Commercial Code, renumbered as 69-09-01-101 through 69-09-01-109 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-10-01 *General Definitions and Principles of Interpretation*

Incorporated by this reference, as though set forth fully herein, are Sections 1-201 through 1-209 of Article 1, Part 2, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-10-01-201 through 69-10-01-209 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

SECTION III
SALES

69-11-01 *Short Title, General Construction and Subject Matter*

Incorporated by this reference, as though set forth fully herein, are Sections 2-101 through 2-107 of Article 2, Part 1, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-11-02-101 through 69-11-02-107 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-12-01 *Form, Formation and Readjustment of Contract*

Incorporated by this reference, as though set forth fully herein, are Sections 2-108 through 2-210 of Article 2 of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-12-02-108 through 69-12-02-210 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-13-01 *General Obligation and Construction of Contract*

Incorporated by this reference, as though set forth Fully herein, are Sections 2-301 through 2-328 in full (except that Section 2-318 shall contain only Alternative C) of Article 2, Part 3, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-13-02-301 through 69-13-02-328 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-14-01 *Title, Creditors and Good Faith Purchasers*

Incorporated by this reference, as though set forth fully herein, are Sections 2-401 through 2-403 of Article 2, Part 4, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-14-02-401 through 69-14-02-403 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-15-01 *Performance*

Incorporated by this reference, as though set forth fully herein, are Sections 2-501 through 2-515 of Article 2, Part 5, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-15-02-501 through 69-15-02-515 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-16-01 *Breach, Repudiation and Excuse*

Incorporated by this reference, as though set forth fully herein, are Sections 2-601 through 2-616 of Article 2, Part 6, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-16-02-601 through 69-16-02-616 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-17-01 *Remedies*

Incorporated by this reference, as though set forth fully herein, are Sections 2-701 through 2-725 of Article 2, Part 7, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-17-02-701 through 69-17-02-725 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

**SECTION IV
SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPER**

69-18-01 *Short Title, Applicability and Definitions*

Incorporated by this reference, as though set forth fully herein, are Sections 9-101 through 9-114 of Article 9, Part 1, of the 1995 Official Text of the Uniform Commercial Code, renumbered as § 69-18-09-101 through 69-18-09-114 Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-19-01 *Validity of Security Agreement and Rights of Parties Thereto*

Incorporated by this reference, as though set forth fully herein, are Sections 9-201 through 9-208 of Article 9, Part 2, of the 1995 Official Text of the Uniform Commercial Code, renumbered as § 69-19-09-201 through 69-19-09-208 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-20-01 *Rights of Third Parties; Perfected and Unperfected Security Interests; Rules of Priority*

Incorporated by this reference, as though set forth fully herein, are Sections 9-301 through 9-318 of Article 9, Part 3, of the 1995 Official Text of the Uniform Commercial Code, renumbered as § 69-20-09-301 through 69-20-09-318 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-21-01 *Filing*

Incorporated by this reference, as though set forth fully herein, are Sections 9-401 through 9-408 of Article 9, Part 4 (except that Section 9-401 shall contain only the second alternative [Subsection (1)]) of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-21-09-401 through 69-21-09-408 of the Sisseton-Wahpeton Sioux Tribe Code of Laws. Filing of all financing statements, security agreements, liens and other encumbrances necessary or desirable to perfect the interests of a secured party pursuant to this Code shall be made with the Secretary of the Tribe.

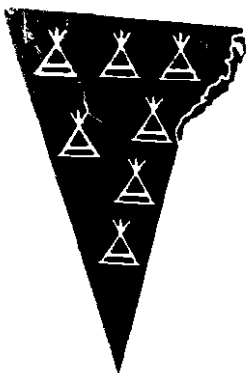
69-22-01 *Default*

Incorporated by this reference, as though set forth fully herein, are Sections 9-501 through 9-507 of Article 9, Part 5, of the 1995 Official Text of the Uniform Commercial Code, renumbered as 69-22-09-501 through 69-22-09-507 of the Sisseton-Wahpeton Sioux Tribe Code of Laws.

69-23-01 *Enforcement*

The Tribal Police of the Sisseton-Wahpeton Sioux Tribe are hereby authorized and empowered to execute judgments entered by the Sisseton-Wahpeton Sioux Tribal Court pursuant to this Code.

S.W.S.T. CODE
 Amendment
 New Adoption
Judicial Approved
06-06-96
Council Approved
06-06-96



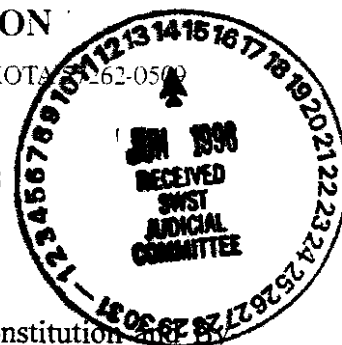
Sisseton - Wahpeton Sioux Tribe

LAKE TRAVERSE RESERVATION

OLD AGENCY BOX 509 • AGENCY VILLAGE, SOUTH DAKOTA 5762-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWST-96-078

Approval and Adoption of Commercial Code



WHEREAS, The Sisseton-Wahpeton Sioux Tribe is organized under a Constitution and By-Laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and,

WHEREAS, The Constitution and By-Laws mandates at ARTICLE VII, Section 1, that the Tribe shall be governed by the Tribal Council, and that the Tribal Council shall have the power to: (a) represent the Tribe in all negotiations with federal, state, and local governments; (b) to engage in any business that will further the economic development of the Tribe and its members; (c) of the Constitution authorizes the Tribal Council to engage in any business that will further the economic development of the Tribe; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; (h) to promote public health, education, charity and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; and, (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of the Tribal Affairs; and,

WHEREAS, The Tribal Council has determined it is necessary to enact a Sisseton-Wahpeton Sioux Tribe Commercial Code; and,

WHEREAS, Adoption of a Commercial Code will enhance the Tribe's ability to contract, resolve disputes with vendors, enter into third party financing and provide an orderly system of commercial law to the Tribe and Tribal members; and,

WHEREAS, The 1995 Official text of the Uniform Commercial Code is the standard by which commercial transactions in many jurisdictions are governed; and,

WHEREAS, The Tribal Council desires to adopt Article 1 - General Provisions, Article 2 - Sales and Article 9 - Secured Transactions of the Uniform Commercial Code.

NOW, THEREFORE BE IT RESOLVED, The Tribal Council of the Sisseton-Wahpeton Sioux Tribe hereby approves and adopts Chapter 69 of the Sisseton-Wahpeton Sioux Tribe Codes of Laws to serve as the Sisseton-Wahpeton Sioux Tribe's Commercial Code; and,

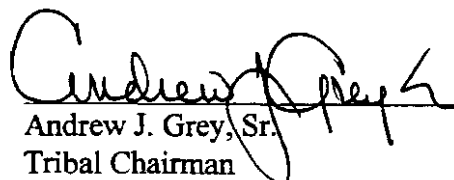
FURTHER, BE IT RESOLVED, The Tribal Council of the Sisseton-Wahpeton Sioux Tribe's Commercial Code shall become effective as of June 6, 1996, in accordance with the terms and provisions hereof, and shall govern all activities now and hereafter conducted on lands owned, presently and in the future, by the Tribe or land owned by the United States on behalf of the Tribe and within the Tribe's jurisdiction; and,

FINALLY, BE IT RESOLVED, The Tribal Council of the Sisseton-Wahpeton Sioux Tribe hereby authorizes, empowers and directs the Tribal Police of the Sisseton-Wahpeton Sioux Tribe to enforce and execute judgments entered by the Sisseton-Wahpeton Sioux Tribal Court pursuant to this Chapter and Chapter 70.

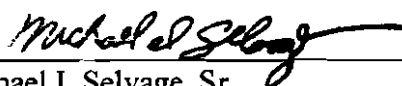
CERTIFICATION

We, the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 18 members of whom 17 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, June 6, 1996, by a vote of 15 for, 0 opposed, 0 abstained, 1 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 6th day of June, 1996.


Andrew J. Grey, Sr.
Tribal Chairman
Sisseton-Wahpeton Sioux Tribe

ATTEST:


Michael I. Selvage, Sr.
Tribal Secretary
Sisseton-Wahpeton Sioux Tribe

