

Topic: Tribal UCC Filings

Question By: Tracy Gillespie

Jurisdiction: Nevada

Date: 2011 July 29

Jurisdiction	Questions				
	<u>Question 1</u>	<u>Question 2</u>	<u>Question 3</u>	<u>Question 4</u>	<u>Question 5</u>
Alabama	How many jurisdictions file Tribal UCC Filings?	If you file Tribal UCC financing statements, do they follow Revised Article 9 statutes or is there a separate statute?	Do you differentiate between a UCC and Tribal filing and do you use the same or separate databases?	What was the Agency cost to provide this service?	How many Tribal financing statements do you file per year?
Alaska			Alaska processes all UCC financing statements (including tribal filings) in the same manner.		
Arizona					
Arkansas					
California					
Colorado			If they are filed in Colorado, they are filed as regular UCCs and we do not distinguish them from other UCC filings.		
Connecticut					

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Delaware					
District of Columbia					
Florida					
Georgia					
Hawaii					
Idaho			While Idaho does file UCCs from certain tribal organizations, they are no different from any other UCC filing.		
Illinois			Tribal Filings are not applicable in Illinois.		
Indiana					
Iowa					
Kansas			Kansas would also treat tribal filings like normal UCC filings in the same database.		

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Kentucky			As long as the requirements are met per the form and fee, Kentucky would accept the filings and enter into the UCC database.		
Louisiana			Louisiana processes all UCC financing statements (including tribal filings) in the same manner.		
Maine					
Maryland					
Massachusetts					
Michigan	Michigan has recently been approached about filing Tribal UCC financing statements. No other information is available at this time.		Currently, all UCC financing statements, Tribal or other, are processed in the same manner.		

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Minnesota			Minnesota processes all UCC financing statements, including tribal filings, in the same manner. Although, Minnesota is negotiating to host a Tribal Nation's UCC filings under a Tribal Ordinance.		
Mississippi					
Missouri			If Missouri were to get a tribal UCC filing, they would be treated as any other UCC filing.		

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Montana	Montana was the first state in the nation to sign a compact with the Crow Tribe in regard to lien documents. Montana would be happy to share our Tribal Compact with other jurisdictions.	The Compact adheres to the requirements within Revised Article 9 along with any Rules or amendments to such laws as long as the compact is in place.	We created separate tribal forms, which follow the same layout as the UCC national forms except for the tribal emblem appearing on the form. We identify these liens as UCC Liens but also add a second identifier that reflects the UCC Liens as a tribal lien in our system. This helps us distinguish these liens should the need arise and also informs lending institutions.		We have seen a handful of tribal liens filed since the compact became effective.
Nebraska	None	Nebraska has not received any tribal UCC filings.	If received we would need to review with our legal counsel.	Not Applicable	None
Nevada					
New Hampshire					
New Jersey					

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New Mexico					
New York					
North Carolina					
North Dakota					
Ohio			Ohio also processes all UCC financing statements (including tribal filings) in the same manner.		
Oklahoma					
Oregon	We were approached several years ago to maintain a "tribal UCC" for a tribe, and we developed a MOU, which they never signed.	There are then two options: a tribe can maintain its own UCC system, or they can use ours for filings against tribe members or on behalf of tribal secured parties. The 9 Tribes in Oregon seem to have opted for the latter.	They have given us no indication of separate systems.		We do have filings with them.
Pennsylvania					
Rhode Island					
South Carolina					
South Dakota					

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Tennessee					
Texas	In Texas, we do not differentiate between a UCC filing and a Tribal filing, if we were to receive them for filing.	A Tribal UCC Filing is not included in our statutes as a type of UCC filing.	A Tribal UCC Filing is not a UCC Filing type in our BEST system. If one was received for filing and met the requirements for a UCC Financing Statement, it would be filed in that manner.		
Utah					
Vermont					
Virginia					
Washington			All UCC financing statements are processed in the same manner in Washington State. We have recently been approached about filing Tribal UCC filings as well...however, no change at this time.		
West Virginia					

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Wisconsin					
Wyoming					

Additional Comments:

Dear All,

This goes way back, at least 15 years, so my aging memory is a little fuzzy. But I recall that we looked into UCC filing with regard to the sovereign native nations. My best, though faint, recollection of that is as follows. The native nations that have sovereignty under their treaties have the option of either developing their own legal and institutional ST frameworks for their separate nations or relying on the concurrent jurisdiction of the state. As I recall, the Navajo Nation and perhaps the Flathead Nation decided to go with the separate option and adopted Article 9. I don't recall that any of the others did, so they rely on concurrent jurisdiction as the default option. Therefore, those filings would be done under the state law, the same as any other filing. Keep in mind that this is all based on a fuzzy, ancient memory, so it may not be exactly correct. And things may have changed in the past 15+ years, too.

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Correct Ev, ...and as I recall there is uniform tribal statute of sorts that may be adopted for those that want to do there own thing or contract with someone (like an SOS) to do it for them.

Wally Boggus

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Fri 10/21/2011 12:37 PM

Dear IACA Colleagues

Please see the News Release below.

Best regards,

Bert Black
Office of the Secretary of State of Minnesota

*** NEWS RELEASE ***

FOR IMMEDIATE RELEASE
CONTACT: Pat Turgeon
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Minnesota Secretary of State Mark Ritchie and the Leech Lake Band of Ojibwe will sign Joint Sovereign Filing Systems Joint Powers Agreement on Friday, October 21 in State Capitol Rotunda St. Paul, Minn.

October 18, 2011—Minnesota Secretary of State Mark Ritchie will sign the Joint Sovereign Filing Systems Joint Powers Agreement with the Leech Lake Band of Ojibwe on Friday, October 21 in the State Capitol Rotunda at 2 p.m. This Uniform Commercial Code (UCC) joint powers agreement will help reduce lending barriers American Indian tribes, tribal entities, tribal member-owned businesses, and American Indian consumers encounter when seeking financing by creating a legal infrastructure for securing transactions with off-reservation commercial lenders and businesses.

“This joint powers agreement will allow members of the Leech Lake Community to more easily access capital and provide greater economic opportunities beneficial to our whole state,” said Secretary Ritchie.

Once signed, the Leech Lake Band of Ojibwe will have access to Minnesota’s Uniform Commercial Code (UCC) filing system which will serve as the registry for tribal liens. By using the state’s UCC system lenders would be assured of stability and security within tribal loan practices and laws.

“Tribal leaders from Leech Lake, the National Conference of Commissioners on Uniform State Laws, the Federal Reserve Bank of Minneapolis and the Minnesota Indian Business Alliance have worked tirelessly to craft this historic agreement that will encourage new business development and employment growth. This is a very positive step forward for all Minnesotans,” concluded Secretary Ritchie.

Full Text of Original Email:

Hi from Nevada,

We had a meeting with the Rural Nevada Development Corporation yesterday and we are wondering how many of you file Tribal UCC Filings?

If you are filing the Tribal UCC Filings we would like to know if it follows the Revised Article 9 Statutes or do they have their own?

Did you have to differentiate between a UCC filing and a Tribal filing – use the same database or a different one?

What was the cost to the Agency to provide this service?

How many filings do you do for the Tribe in a year?

We are looking for any kind of help on this we can find so we can make a decision on whether the State of Nevada needs to file these and what the costs were to provide the service.

Thanks and have a great weekend.

Tracy