

RESOLUTION NUMBER TMBC679-12-19 OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE
TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

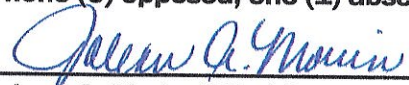
- WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band acting under a revised Constitution and By-Laws approved by the Secretary of the Interior on June 16th, 1959 and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with Federal, State, and Local Governments and with private persons; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and
- WHEREAS, in order to protect our tribal members and others living in our community from the harmful effects of e-cigarettes, vaping and juul use, after receiving confirmation on three (3) cases of e-cigarette or vaping-related illness, the Turtle Mountain Tobacco Prevention Program, along with the Tribal Youth and Elders requested the Tribe to prohibit the sale of vaping, e cigarettes, juul devices or any other devices including electronic nicotine delivery systems on the Turtle Mountain Indian Reservation; and
- WHEREAS, the Tribe proposed to amend Title 26, Offenses and Penalties, Chapter 26.11, by adding a new section, Section 26.1133 to state: "It shall be unlawful for any business within the exterior boundaries of the Turtle Mountain Indian Reservation to sell vaping, e-cigarettes, juul devices or any other devices including electronic nicotine delivery systems; and placed the proposed amendment out for public comment; now

THEREFORE BE IT RESOLVED that the Tribe is approving the amendment to Title 26, Section 26.1133 which shall state: "It shall be unlawful for any business within the exterior boundaries of the Turtle Mountain Indian Reservation to sell vaping, e cigarettes, juul or any other devices including electronic nicotine delivery systems. Whoever fails to comply, shall be guilty of a Class 2 Offense;" and


BE IT FURTHER RESOLVED that the Tribe will address the jurisdiction issue in a subsequent resolution and will amend as necessary.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of *nine (9) members* of whom *eight (8)* constituting a quorum were present at a meeting duly called, convened and held on the *5th day of December, 2019* that the foregoing resolution was adopted by an affirmative vote of *seven (7) In favor* - Representatives Nathan Davis, Stuart LaFountain, Jim Baker, Loann Jerome, Ron Trottier, Sr., Bernice Poitra and Lynn Gourneau; none (0) opposed; one (1) absent-Rep. Chad Counts; with the Chairman not voting.


Joleen A. Morin, Tribal Secretary
12/9/19

() SIGNED INTO LAW/Dated this 17th day of December, 2019
() VETOED/Dated this _____ day of _____, 2019


Jamie Azure, Tribal Chairman