

# Mille Lacs Band Statutes Annotated

Amendments received through: June 5, 2009

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## TITLE 18 - COMMERCIAL PRACTICES

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### Historical and Statutory Notes

The Preamble of Band Statute 1090-MLC-7 provides:

"It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians a code to license all persons, companies, corporations, associations, partnerships cooperatives. Utilities and any other public or private commercial entity who engages in the sale of any goods and/or services with any Band member, mdi an(s) or other person(s) who reside on lands subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians and with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians, any political sub-division(s) thereof, and/or any entity under the jurisdiction of the Mille Lacs Band of Chippewa Indians on lands subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians and for other related purposes, such as persons who solicit business or literature upon those persons who reside on lands under the jurisdiction of the Band and those who peddle merchandise of any type of goods or services upon those persons who reside on lands under the jurisdiction of the Band."

Band Statute 1090-MLC-7, § 27 provides:

"Section 27. Severability. If any provisions of this chapter, or the application thereof, to any person, business, corporation or state government or any political subdivision or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application and to this end the provisions of this Chapter are declared severable."

## **Cross References**

Administrative system, see 16 MLBSA § 5.  
Application of Truth in Lending Act, see 24 MLBSA § 5.  
Business corporations, foreign corporations, see 16 MLBSA § 1004.  
Nonprofit corporations, foreign corporations, see 16 MLBSA § 2005.

## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### **Section**

1. Findings and determinations.
2. Definitions.
3. Reservation of right.
4. Rules and regulations.
5. Jurisdiction of the Court of Central Jurisdiction; damages.
6. Waiver of sovereign immunity.
7. Solicitor General obligation.
8. Investigations proceedings.
9. Equality and consistency in the exercise of powers and duties.
10. Violations.

#### **§ 1. Findings and determinations**

(a) The Band Assembly hereby finds and determines that pursuant to Article VI, Section 1, Sub-section 3, of the Constitution of the Minnesota Chippewa Tribe, that it may authorize, regulate and license all persons, companies, corporations, associations, partnerships, cooperatives, utilities, and any other public or private commercial entity who engages in the sale of any goods and/or services with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians.

(b) The Band Assembly hereby finds and determines that the regulation and licensure of all persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians is an effective way to regulate commercial activity on lands under the jurisdiction of the Band and that such regulation is vital to the economic security, political integrity and general welfare of the members of any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians.

(c) The Band Assembly hereby finds and determines that members of the Mille Lacs Band of Chippewa Indians have entered into grossly

unfavorably contracts with other persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with said contracts not being clearly understood by said Band members.

(d) The Band Assembly hereby finds and determines that many members of the Mille Lacs Band of Chippewa Indians have been imposed upon by persons who solicit and/or peddle literature, insurance policies, merchandise of poor quality and other like-type goods or services and that said persons utilize unprofessional sales tactics in order to coerce Band members and others to accept said products which Band members under ordinary circumstances would not accept.

(e) The Band Assembly hereby finds and determines that through the imposition of a license regulations governing such transactions upon all persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services with Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians is an effective way to regulate such transactions and to protect basic civil rights to due process of those persons subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, pursuant to 1 MLBSA § 1 et seq. and Article XIII of the Constitution of the Minnesota Chippewa Tribe.

(f) The Band Assembly hereby finds and determines that any person(s), companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who desires to engage in such commercial activity, be permitted to do so under such rules and regulations as the Band Assembly may enact or the Chief Executive pursuant to lawful Executive Order may prescribe, so that the best interest of Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians shall be protected.

(g) The Band Assembly hereby finds and determines that pursuant to Article VI, Section 1 , Subsection D and Article XV, Section 1 , 2 and 3 of the Constitution of the Minnesota Chippewa Tribe requires that any ordinance which imposes a license or fee upon non-members of the Minnesota Chippewa Tribe-Non-Removable Mille Lacs Band of Chippewa Indians shall be subject to review by the Secretary of Interior, and the regulatory provisions of Chapters 1 to 5 of this title clearly fall within the provisions of the aforementioned constitutional declaration

(h) The Band Assembly hereby finds and determines that in the best interests of Indian Self-Determination that the Secretary of Interior shall exercise his fiduciary obligation by reviewing any proposed Band Statute that levies a licensing fee on nonmembers of the Non-Removable Mille Lacs Band of Chippewa Indians and making recommendations to the Band Assembly so that it may become a Band Statute for regulatory and revenue generating purposes and be codified into the laws of the Non-Removable Mille Lacs Band of Chippewa Indians without undue delay.

(i) The Band Assembly hereby finds and determines that persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services of any material value with any person subject to the jurisdiction, on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or with the Non-Removable Mille Lacs Band of Chippewa Indians or any entity or any political subdivision thereof; have conducted such business transactions without regard to the law, policies or judicial determinations of the Non-Removable Mille Lacs Band of Chippewa Indians and that such a condition violates the general welfare, economic security and political integrity of the Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians and that due to this condition , it is necessary to promulgate rules and regulations which govern the conduct of these transactions on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 1.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in paragraph (g) by the Code Reviser when Chapter 6 was added to this title.

## **§ 2. Definitions**

As used in Chapters 1 to 5 of this title, the words, terms, and phrases, defined in this section have the meanings given them. Unless the language or context of any undefined word, term or phrase, clearly indicates that a different meaning is intended, the meaning of sub-joined to any said work, term or phrase shall be subject to definitions found in Minnesota Statutes.

(a) Association: The act of a number of persons in uniting together for some special purpose or business.

(b) Commercial Entity: Any person(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other

public or private commercial entity who engage in trading in any goods and/or services of any material value with any person subject to the jurisdiction on lands, subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or with the Non-Removable Mille Lacs Band of Chippewa Indians or any entity or any political subdivision thereof.

(c) Company: Union or association of persons for carrying on a commercial or industrial enterprise.

(d) Cooperative: A corporation or association organized for purpose of rendering economic services, without gain to itself, to share holders or members who own and control it.

(e) Corporation: An artificial person or legal entity created by or under the authority of the laws of the Non-Removable Mille Lacs Band of Chippewa Indians, any state or nation, composed in some rare instances of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals, including those entities defined in Band Statutes 1077-MLC-16, Section 26.01-26.03.

(f) Court: The Court of Central Jurisdiction as created pursuant to 5 MLBSA § 1 et seq.

(g) Partnership: A voluntary contract between two or more competent persons to place their money, effects, labor and skill, or some or all of them, in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them.

(h) Person: A natural person, corporation, company, association, cooperative, unincorporated association, trust or joint stock association, church, religious sect, religious denomination, or league and includes any trustee, receiver, assignee, agent or other similar representative thereof.

(i) Process: Any statutory notice or demand required or permitted to be served on a natural person or a corporation and includes a summons in a civil action and any process which may be issued in any action or proceedings in the Court of Central Jurisdiction.

(j) Solicit: The request, directly or indirectly, for any contribution, regardless of which party initiates communication, on the plea or representation that such contribution will or may be used for any charitable purpose, and the term shall be all inclusive.

(k) Solicitation: Asking, enticing, requesting; or to appeal for something.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 32.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in the paragraph preceding paragraph (a) by the Code Reviser when Chapter 6 was added to this title.

### **§ 3. Reservation of right**

The Band Assembly hereby fully reserves the right to alter, amend or repeal the provisions of Chapters 1 to 5 of this title with the required review and approval of the Secretary of Interior. All rights and privileges granted or extended hereunder, shall be subject to such reserved right, however said reservation of right shall not be applicable to existing licenses issued prior to any statutory amendment.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 26.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in this section by the Code Reviser when Chapter 6 was added to this title.

### **§ 4. Rules and regulations**

The Corporate Commission is authorized to issue all rules and regulations necessary for the implementation of Chapters 1 to 5 of this title.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 3.01.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in this section by the Code Reviser when Chapter 6 was added to this title.

### **Cross References**

Powers and duties of Corporate Commission, see 16 MLBSA § 111.

### **§ 5. Jurisdiction of the Court of Central Jurisdiction; damages**

(a) The Court of Central Jurisdiction is hereby conferred exclusive subject matter jurisdiction to resolve any and all disputes which may arise pursuant to any provisions of Chapters 1 to 4 of this title. The provisions of 5 MLBSA §113, shall apply to any non-Indian who initiates any action in the Court of Central Jurisdiction pursuant to any provision of Chapters 1 to 4 of this title. All non-Indian persons who apply for and receive a

license to engage in the sale of goods and/or services pursuant to provisions of Chapters 1 to 4 of this title shall be deemed to have voluntarily consented to the civil jurisdiction of the Court of Central Jurisdiction for all civil causes of action which arise herewith.

(b) Any cause of action which arises pursuant to any provision of Chapters 1 to 4 of this title in which the Non-Removable Mille Lacs Band of Chippewa Indians or any of its political entities is named as a defendant shall be limited in relief to declaratory or injunctive measures and no damages monetary or otherwise, including but not limited to attorney fees, shall be permitted

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 25.

#### **Cross References**

Damages, generally, see 24 MLBSA § 651 et seq.

Subject matter jurisdiction, Court of Central Jurisdiction, see 5 MLBSA § 111.

### **§ 6. Waiver of sovereign immunity**

Nothing in Chapters 1 to 5 of this title shall be construed as a waiver of sovereign immunity of the Non-Removable Mille Lacs Band of Chippewa Indians in any state or federal court of competent jurisdiction.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 30.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in this section by the Code Reviser when Chapter 6 was added to this title.

### **§ 7. Solicitor General obligation**

The Solicitor General shall represent the interest of the Non-Removable Mille Lacs Band of Chippewa Indians and the Corporate Commission in any matter arising from any provision of Chapters 1 to 4 of this title before the Court of Central Jurisdiction.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 31.

### **Cross References**

Duties of Solicitor General, see 4 MLBSA § 18.

## **§ 8. Investigations proceedings**

The Commissioner of Corporate Affairs in his discretion may make investigations as he deems necessary to determine whether any person has violated or is about to violate any provisions of Chapters 1 to 4 of this title or any Commission Order issued pursuant thereto and to submit the results of this investigation to the Solicitor General for appropriate court action.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 11.

## **§ 9. Equality and consistency in the exercise of powers and duties**

Notwithstanding the provisions of any other title of the Mille Lacs Band Statutes Annotated, the Corporate Commission and the Solicitor General may use any information in their possession, or to which they have access, to insure equal and consistent application and enforcement of the provision of this law which is administered by the Commission. This section shall not be construed as granting the Corporate Commission or Solicitor General any power to release information under their direct control to any exterior person, entity or government absent a due process hearing. All information collected shall be deemed highly classified and confidential.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 29.

## **§ 10. Violations**

Any person who shall fail to comply with the licensing provisions of Chapters 1 to 5 of this title or any lawful Commission Order, or order of the Court of Central Jurisdiction shall be deemed guilty of the offense of obstruction of the lawful process, and upon conviction thereof, shall be sentenced to a suspension or revocation of the privilege to conduct commercial enterprise on lands subject to the jurisdiction of the Band for a period not to exceed one hundred eighty days or exclusion from said lands pursuant to provisions of 2 MLBSA § 201 et seq [Digitizer's note: Section not in digital copy].

## Historical and Statutory Notes

**Source:** Band Statute 1090-MLC-47, § 24.

**Code Revision:** The phrase “Chapter 1 to 5 of” was inserted before “this title” in this section by the Code Reviser when Chapter 6 was added to this title.

### Cross References

Licensing of commercial entities, see 18 MLBSA § 101 et seq.

## CHAPTER 2

### LICENSING OF COMMERCIAL ENTITIES

#### Section

- 101. Power to license.
- 102. Application for license.
- 103. Classes of licenses.
- 104. Fees for issuance of license.
- 105. License fee revenue distribution.
- 106. Licenses issued to principal of commercial entity.
- 107. License period.
- 108. License renewal.
- 109. Denial, suspension, revocation of license.
- 110. Service of process.
- 111 . Forfeiture of goods.
- 112. Power to close unlicensed stores.

### Cross References

Violations, see 18 MLBSA § 10.

#### § 101. Power to license

The Corporate Commission shall have the sole power and authority to license commercial entities who sell or offer for sale any goods and/or services to person(s) on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Any persons(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who desires to sell or offer for sale any goods and/or services of any material value or to sell or offer for sale the exchange of property, real or personal, as defined in 24 MLBSA § 3302, with any Band member or Indian or any person subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians; or with the Non-Removable Mille Lacs Band of Chippewa Indians; or any political subdivision or entity thereof, shall upon establishing the fact to the satisfaction of the Corporate Commission that he is a proper person or entity to

engage in such activity, be permitted to do so under such rules and regulations as the Corporate Commission may prescribe through the issuance of lawful Orders of the Commission. Any such Commission Order shall not be applicable to any commercial entity during the term of any existing license but shall become effective upon the issuance of a new license or upon renewal of an existing license.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 2. 52

### **§ 102. Application for license**

(a) Application for licenses must be made in writing on a form prescribed by the Corporate Commission, setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof, the place where it is proposed to carry on the sale of goods and services; the capital to be invested, the names of the clerks to be employed; the person responsible for the general books of account of the firm and the name of one other person exclusive of the owner who shall both be designated to receive service of process; and the business experience of the applicant. The application must be forwarded through the Commissioner of Corporate Affairs. Licensed entities will be held responsible for the conduct of their employees.

(b) When an application for a license or permit is filed with the Commissioner of Corporate Affairs, the application shall be accompanied by a nonrefundable fee of ten dollars (\$10.00). The Corporate Commission shall be ninety days from the date of filing to approve or deny any application. Notwithstanding, the Commissioner of Corporate Affairs shall issue a temporary license valid for ninety days upon receipt and filing of said application.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 5.

### **§ 103. Classes of licenses**

The Non-Removable Mille Lacs Band of Chippewa Indians hereby designates the following classes of licenses which shall be available for any commercial entity who desires to engage in the sale of any goods and/or services on lands subject to the jurisdiction of the Band. The following classes of licenses shall be made available to any person, company, corporation, association, partnership, cooperative, utility, or financial institution, be it public or private who seeks to engage in the sale of such goods or services on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of

Chippewa Indians. The class of license sought shall be issued according to the classification of the goods and/or services sold on said lands.

(a) Retail Sales License. This license is available to a person who sells any goods and commodities at retail on lands under the jurisdiction of the Band.

(b) Entertainers License. This license is available to a person who provides entertainment to the public. For example: a band, theater or dance troupe, etc.

(c) Professional Services License. This license is available to a person who provides services in the practice of medicine and surgery, chiropractic, nursing, optometry, psychology, dentistry, pharmacy, podiatry, veterinary medicine, architecture, engineering, surveying, landscape architecture, accountancy and law.

(d) Utilities License. This license is available to a person providing telephone, electrical, water, sewer, gas to the public.

(e) Public Accommodations License. This license is available to a person providing lodging, prepared foods or beverages, and equipment rental to the public.

(f) Hawkers, Peddlers, Transient Merchants License. This license is available to a person who transacts any temporary and transient business on lands under the jurisdiction of the Band including selling goods, wares, merchandise and distributing literature of any type.

(g) General Service License. This license is available to a person who provides commercial services to the public, such as refuse disposal, plumbing, auto or equipment repair, electrical, carpentry, cleaning and maintenance services, personal care and other like general services.

(h) Special Events License. This license is available to a person who conducts commercial activity usually on a one time per annum basis, but not exceeding three times per annum. Said activity does not occur on a regular or consistent basis.

(i) Miscellaneous License. This license is available to a person who sells goods or services that do not fall into another category in subsections (a) to (h).

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 6.

**§ 104. Fees for issuance of license**

The following fee schedule based on annual gross sales of the licensed entity is hereby enacted for various classes of licenses offered in 18 MLBSA § 103.

(a) License fee for Commercial Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(b) License fee for Entertainers License is hereby established at fifty dollars (\$50.00).

(c) License fee for Professional Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(d) License fee for Public Utilities License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(e) License fee for Public Accommodations License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(f) License fee for Hawkers, Peddlers, Transient Merchants License is hereby established at:

\$ -0- to \$50,000.00	=	\$25.00
\$ 50,001.00 to \$100,000.00	=	\$40.00
\$100,001.00 and over	=	\$50.00

(g) License fee for General Commercial Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(h) License fee for One-Time Special Events is hereby established at fifty dollars (\$50.00).

(i) License fee for Miscellaneous License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 7.

### **§ 105 . License fee revenue distribution**

All revenue derived from license fees from this title shall be forwarded on the first day of each month to the Commissioner of Finance who shall superintend and manage said funds until lawfully disbursed pursuant to formal Revenue Resolution of the Band Assembly.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 23.

### **§ 106. Licenses issued to principal of commercial entity**

The Corporate Commission shall issue licenses only in the name of the principal owner

of any commercial entity who transacts business pursuant to provisions of this title. Any said license issued pursuant to provisions of this title is nontransferable.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 13.

### **§ 107. License period**

License to sell or offer for sale any goods and/or services to any person subject to the jurisdiction of the Band shall be valid throughout the calendar year in which it is issued.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 8.

### **§ 108. License renewal**

Application for renewal of license shall be made to the Commissioner of Corporate Affairs on an appropriate form at least thirty days prior to the expiration of the existing license and the Commissioner must report to the Corporate Commission as to the record the applicant has made and his fitness to continue as a commercial entity under a new license.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 9.

### **§ 109. Denial, suspension, revocation of license**

(a)(1) The Corporate Commission may by order deny any application or suspend or revoke any license or registration if it finds that the applicant, registrant or licensee:

(A) has filed an application for a license or registration which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(B) has engaged in a fraudulent, deceptive or dishonest practice;

(C) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of conducting commercial activity;

(D) has violated or failed to comply with any provision of this chapter or any Commission Order issued pursuant thereto.

(2) Any applicant for a license or licensee or registrant shall be accorded due process rights to a hearing pursuant to provisions of subsection (c)(1), prior to revocation, suspension or denial action.

(b) The Corporate Commission may promulgate rules and regulations further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for commercial activity.

(c)( 1 ) The Court of Central Jurisdiction may issue an order requiring a licensee, registrant or applicant for a license or registration to show cause why the license or registration should not be revoked or suspended. In the case of the denial of an application, the Corporate Commission may issue such a show cause order. All orders shall be calculated to give reasonable notice of time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with 24 MLBSA § 2001 et seq. After the hearing, the court shall enter an order making such disposition of the matter as the facts require. In the case of hearings before the Corporate Commission, the Commission shall enter an order making such disposition of the matter as the facts require. Any such order may be appealed to the Court of Central Jurisdiction.

(2) If the licensee, registrant or applicant fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 10.

## **§ 110. Service of process**

All commercial entities that sell or offer for sale any goods and/or services on lands subject to the jurisdiction of the Band, but do not maintain an office on lands subject to the jurisdiction of the Band shall be subject to service of process as follows: by service thereof on its registered agent within the Band or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records or upon the person who is an agent of the commercial entity or by placing a copy of said process in registered and regular United States mail at the last known address.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 14.

## **§ 111. Forfeiture of goods**

Any person who shall attempt to conduct commerce on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians as a commercial entity, or to introduce goods, offer for sale any services or to conduct commercial activity therein without a license, shall forfeit all merchandise offered for sale to any person or the Band which is found in his possession to the Non-Removable Mille Lacs Band of Chippewa Indians.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 4.

## **§ 112. Power to close unlicensed stores**

If persons carry on commercial activities within the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with any person under the jurisdiction of the Band or the Band or entity of the Band without a license, or continue to conduct commerce after expiration of the license without applying for renewal, the Commissioner of Corporate Affairs will immediately report the facts to the Solicitor General who may, if necessary, direct the Law Enforcement officials to close the store of such commercial entities. The Solicitor General shall within forty-eight hours file a proper complaint in the Court of Central Jurisdiction and seek permanent or temporary injunctive relief from the court whichever is appropriate.

### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 12.

## CHAPTER 3

### REGULATION OF TRADE

#### **Section**

- 201. Inspection of prices.
- 202. Credit at seller's risk.
- 203. Cash payment only to any band member.
- 204. Government checks paid in cash.
- 205. Premises kept in sanitary condition.
- 206. Tobacco sales to minors.
- 207. Imitation Indian-made goods and commercially grown wild rice prohibited.
- 208. Corporate Commission authorizations.
- 209. Pawnbrokers and junk dealers.

#### **§ 201. Inspection of prices**

(a) It is the duty of the Commissioner of Corporate Affairs, to see that the prices charged by commercial entities are fair and reasonable. To this end the commercial entities shall on request submit to the Commissioner or inspecting officials the original invoice, showing cost, together with a statement of transportation charges, retail price of articles sold by them, the amount of Indian accounts carried on their books, the total annual sales, the value of buildings, the number of employees, and any other business information such officials may desire. The quality of all articles kept on sale must be good merchandise. The Commissioner shall conduct any such inspection upon receipt of any complaint from any person.

(b) The Corporate Commission shall promulgate standards for fair and reasonable inspection of any commercial entity located on lands subject to the jurisdiction of the Band, so as to prevent bias. No inspections shall occur until said standards have been promulgated.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 16.

#### **§ 202. Credit at seller's risk**

Credit given to any Band members, will be at the seller's own risk, as no assistance will be given by Government officials in the collection of debts against any Band members other than that specified in 24 MLBSA § 3001 et seq. Commercial entities shall not accept pawns or pledges of personal property by any Band members to obtain credit or

loans. Receipts must be given to all articles they have sold to commercial entities and on which they have requested book credit. These receipts must show the following information: The date the transaction was made, the amount paid the Band member and a description of the article or articles sold. All receipts issued by the commercial entity for Band members products must be recorded in the commercial entity's book in such manner that all information contained in the receipt is duplicated. Receipts may be transferred upon order of the initial recipient if it is to his convenience that such a procedure be followed.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 17.

### **§ 203. Cash payment only to any band member**

Commercial entities must not pay Band members in tokens, tickets, store orders or anything else of that character. Payment must be made in money, or in credit if the Band member is indebted to the commercial entity.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 18.

### **§ 204. Government checks paid in cash**

Commercial entities must pay all government checks accepted in cash, merchandise or credit to the full value of the check presented. The acceptance of cash, merchandise, or credit for government checks shall be at the option of the Band member in all cases.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 19.

### **§ 205. Premises kept in sanitary condition**

The commercial entities shall keep both their premises and place of business in a clean, sanitary and presentable condition at all times and shall avoid exposure of foodstuff to infection from the air, dust, insects or handling. It shall be the duty of the Commissioner of Human Services of the Band and his/her assistants to make periodical inspections, recommend improvements and report thereon to the Commissioner of Corporate Affairs or his duly authorized representative.

### Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 20.

## § 206. Tobacco sales to minors

No commercial entity shall sell tobacco, cigars, or cigarettes to any Band member under 18 years of age.

### Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 15.

## § 207. Imitation Indian-made goods and commercially grown wild rice prohibited

(a) No person shall introduce or have in his possession for disposition or sale to Band members or others, within the exterior boundaries of lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, any goods, wares, and merchandise known as moccasins, bead work, birchbark baskets, deerskin work, grass rugs, sweet grass baskets, and other goods which are manufactured or produced in imitation of genuine American Indian-made goods, wares, or merchandise without first clearly branding, labeling or marking said goods, wares or merchandise as imitation of genuine American Indian-made goods, wares or merchandise. For purposes of this section, Indian-made goods are those made exclusively by persons who are at least one-quarter Indian blood or who are listed on the rolls of any federally recognized Indian tribe, Band or community.

(b) The brand, label or mark required by subsection (a) shall be the words "not Indian-made" and shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public, and shall be the size and style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it, but when such branding or marking is impossible, a label shall be used and attached thereto.

(c) Any person injured by violation of subsection (a) may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the Court of Central Jurisdiction.

(d) No person shall sell, offer for sale, or have in his possession for the purpose of sale any commercially grown wild rice.

(e) All such imitation Indian-made goods which are mislabeled, in violation of subsection (a) and commercially grown wild rice introduced in violation of subsection (d) shall be subject to seizure by any law enforcement officer of the Band in the event that any person shall introduce or intend to introduce for purposes of sale to the general public such goods and/or commercially grown wild rice.

**Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 22.

**§ 208. Corporate Commission authorizations**

The Corporate Commission is authorized, whenever in its opinion the public interest may require, to prohibit the introduction of goods, or of any particular articles, into the country belonging to the Non-Removable Mille Lacs Band of Chippewa Indians and direct that all licenses to sell or offer for sale any goods and/or services with persons or the Band be revoked, and all applications therefore rejected. No commercial entity shall, so long as such prohibition exists, sell or offer for sale any goods and/or services with any entity of the Band and for said Band, or to any person subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

**Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-47, § 3.

**§ 209. Pawnbrokers and junk dealers**

(a) Every pawnbroker or junk dealer subject to the jurisdiction of the Court must keep a detailed register in which must be entered the description of every article pawned by him/her or purchased by him/her with the date of pawning or purchasing date when the article must be redeemed, with the name of the person by whom the article was pawned, or by whom purchased and the amount loaned thereon or paid thereof, and in case of the sale of any article pawned or pledged, the pawnbroker or junk dealer must enter upon said register the name of the purchaser, the time of the sale and the price paid therefore and the register must always be open to inspection and examination of any law enforcement officer.

(b) Furthermore, no person may carry on the business of pawnbroker or junk dealer by receiving goods pawned, or in pledge for loans, at any rate of interest higher than is allowed pawnbrokers of junk dealers under Federal regulation. There must be no other or greater amount received by and pawnbroker or junk dealer, his/her employee or agents, for interest,

commission, discount, storage or caring for property pledged than the rate allowed under Federal regulations.

(c) Failure to comply with the terms and conditions of this section shall constitute an offense, punishable upon conviction of a sentence to labor for a period not to exceed 180 days, and/or by a fine not to exceed \$500.00, and the violator may be subject to other related charges under provisions of the Mille Lacs Band Statutes Annotated such as 24 MLBSA §1154. The Court may order the violator to cease and desist from any further business as pawnbroker or junk dealer until full compliance with this section is to the satisfaction of the Court.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1164-MLC-6, § 28.

## **CHAPTER 4**

### **UNIFORM COMMERCIAL CODE**

#### **Section**

301. Enactment.

302. Amendments.

#### **Cross References**

Application of Uniform Commercial Code to civil causes of action, see 24 MLBSA § 4. Contracts, acceptance and counteroffer, see 24 MLBSA §107.

### **§ 301. Enactment**

The Band Assembly hereby enacts the Uniform Commercial Code of the State of Minnesota-Minnesota Statutes, Chapter 336 as the Uniform Commercial Code for the Non-Removable Mille Lacs Band of Chippewa Indians. The Justices of the Court of Central Jurisdiction shall be bound by the provisions of Minnesota Statutes, Chapter 336 in all causes of action which arise pursuant thereto. Exclusive subject matter jurisdiction is hereby conferred to the Court of Central Jurisdiction.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1090-MLC-7, § 28.

### **Cross References**

Applicability to motor vehicle lien holders, see 19 MLBSA § 18 [Digitizer's note: Section not in digital copy].

Applicability to watercraft, see 20 MLBSA § 11.

Subject matter jurisdiction, Court of Central Jurisdiction, see 5 MLBSA § 111.

## **§ 302. Amendments**

Band Statute 1090-MLC-47 (see, now, 18 MLBSA § 301) adopted the Uniform Commercial Code as adopted by the State of Minnesota. Should the State of Minnesota amend or change its Uniform Commercial Code after the enactment of the above mentioned Statute, the Commissioner of Corporate affairs may, in his discretion, adopt those amendments or changes into Band law via a Commissioner's Order.

### **Historical and Statutory Notes**

**Source:** Band Statute 1202-MLC-16A, § 16.

### **Cross References**

Commissioner's Orders, see 4 MLBSA § 7.

## **CHAPTER 5**

### **INDIAN EMPLOYMENT RIGHTS**

#### **Section**

- 401 Definitions.
- 402. Employment Rights Program.
- 403. Powers of Administration Policy Board.
- 404. Indian employment preference.
- 405. Compliance by contractors and subcontractors.
- 406. Numeric goals.
- 407. Training programs.
- 408. Job qualification criteria and personnel requirements.
- 409. Band employment contracts program.
- 410. Referrals.
- 411. Violations.
- 412. Counseling and support programs; cooperation.
- 413. Contractor or subcontractor preferences.
- 414. Layoffs.
- 415. Promotions.
- 416. Student employment.
- 417. Employment Rights Fee.
- 418. Compliance by unions.

- 419. Complaint by Administration Policy Board.
- 420. Complaint by individuals.
- 421 . Illegal or erroneous statutes, rules, regulations or orders.
- 422. Notice.
- 423. Hearing procedure.
- 424. Appeals.
- 425. Publication of chapter.
- 426. Compliance plan.
- 427. Reporting and on-site inspection.
- 428. Penalties for violation.

### **Historical and Statutory' Notes**

Band Statute 1085-MLC-36, §§ 51 and 63 provide:

"Section 51. Declaration of Band Policy -- With Regard To Public Service Contracts. It is hereby declared by the Band Assembly in and for the Non-Removable Mille Lacs Band of Chippewa Indians that all public service contracts shall be awarded to businesses organized pursuant to Band Statute 1077-MLC-16. However, in lieu of fulfillment of this policy, it is necessary to protect the economic security of the Band that the Band act as the purchasing agent on all contracts awarded to businesses organized pursuant to the laws of the state of Minnesota and any of its political sub-divisions, where such contract will execute all provisions exclusively on territories subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Further, the Band Assembly is cognizant of the severe economic conditions and wide spread unemployment that exists amongst our sovereign people, and therefore, place a moral obligation upon all contractors for public service projects to assist in relieving such economically depressed conditions. Therefore, to effectuate the policies entered herewith, this Chapter shall be liberally construed and the taxes imposed in Chapter 31, Section 20 [22 MLBSA §503] shall apply to all purchases of each branch of government of the Non-Removable Mille Lacs Band of Chippewa Indians, its independent and semi-independent commissions and any other political subdivision thereof."

"Section 63. Severability. If any provision of this Chapter, or its application to any person or circumstances is held invalid, the remainder of the Chapter, or the application of the provision to other persons or circumstances is not affected."

### **Cross References**

Findings and determinations, see 22 MLBSA § 1.  
Procurement, Indian employment preference, see 7 MLBSA § 27.

## **§ 401. Definitions**

When used in this chapter, unless the Context Clearly indicates otherwise, the following terms shall have the meaning, respectively, ascribed to them in this section:

- (a) "Employer" means any person, company, contractor, subcontractor or other entity located or engaged in work on the Reservation, employing five or more persons. The term "employer" excludes Federal, State and County Government agencies, but includes Tribal and other agencies, contractors and subcontractors of all other agencies.

(b) "Engaged in work" means an employer is engaged in work on lands under the jurisdiction of the Mille Lacs Band of Chippewa Indians, if during any portion of a business enterprise or specific project, contract or subcontract, he or any of his employees spends a majority of his time performing work on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians on a continuing basis.

(c) "Indian" means any person recognized as an Indian, who is subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians by entering or occupying lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

(d) "Indian owned business" means a business entity of which at least 100% is owned by Indians.

(e) "Located on lands" means an employer is "located on lands" if during any portion of a business enterprise or specific project contract or subcontract, he is, in fact, maintaining a temporary or permanent office or facility in Indian Country as defined in Federal law in or adjacent to the Mille Lacs Reservation.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 65.

#### **Cross References**

Personal jurisdiction, see 5 MLBSA §§ 112, 113.

### **§ 402. Employment Rights Program**

The Administration Policy Board within the Executive Branch of Band government is hereby conferred subject matter jurisdiction to administer an Employment Rights Program of the Non-Removable Mille Lacs Band of Chippewa Indians in accordance with this chapter.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 52.

### **§ 403. Powers of Administration Policy Board**

(a) The Board shall have the power:

- (1) To impose numerical hiring goals and time tables specifying the minimum number of Indians an employer must hire by craft and skill level.
- (2) To require employers to establish or participate in such training programs as the Commission deems necessary to increase the pool of Indians eligible for employment on the Reservation.
- (3) To require that employers may hire non-Indians only after the Assistant Commissioner of Administration has certified that qualified Indians are unavailable to fill vacant job positions.
- (4) To prohibit employers from using job qualifications criteria or personnel requirements that bar Indians from employment unless such criteria or requirement are required by business necessity. The Administration Policy Board regulations may adopt Equal Employment Opportunity Commission guidelines or may adopt additional requirements to eliminate employment barriers unique to Indians and the Reservation.
- (5) To enter into agreements with the unions to insure union compliance with this chapter.
- (6) To require employers to give preference to businesses organized pursuant to 16 MLBSA § 1 et seq. and other Indian-owned businesses in the award of contracts or sub-contracts.
- (7) To establish counseling programs to assist Indians to retain employment.
- (8) To hold hearings and to subpoena witnesses and documents in accordance with this chapter.
- (9) To require employers to submit reports and take all actions deemed necessary by the Band for the fair and vigorous implementation of this chapter.
- (10) To enter into cooperative agreements with Federal employment rights agencies to eliminate discrimination against Indians both on and off lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

(11) To take such other actions as are necessary to achieve the purposes and objectives of this Employment Rights Program.

(b) In exercising the above specified powers, the Administration Policy Board shall have the discretion to implement certain powers only or to apply one or more such powers to limited classes or number of employers.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 53.

### **§ 404. Indian employment preference**

All employment entities of the Non-Removable Mille Lacs Band of Chippewa Indians shall give preference to Indians in hiring, promotion, training and all other aspects of employment, contracting or subcontracting and must comply with this chapter and the rules, regulations and orders of the Administration Policy Board. The above requirements shall apply only to facilities of an employer who is engaged in work on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or whose subcontractor(s) is located on or engaged in work on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Each contractor shall designate the members of his core crew for each construction operation. Other than said core crew, the contractor shall develop goals approved by the Administration Policy Board to implement said preference in employment. No contractor shall be permitted to maintain a position that no employment opportunities exist in the fulfillment of any said contract in order to evade the provisions of this section. The contractor shall develop a goal statement which is subject to advance approval by the Administration Policy Board prior to the commencement of any work. Additionally, no goal statement shall be approved which contains less than fifty (50) percent for each construction operation in Indian employment opportunities pursuant to any contract.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.

### **§ 405. Compliance by contractors and subcontractors**

The Indian preference requirements contained in this chapter shall be binding on all contractors and subcontractors of employers regardless of tier, and shall be deemed a part of all resulting contracts and specifications. The Administration Policy Board shall have the initial and primary responsibility for insurance that all contractors and subcontractors comply with these requirements and contractors and subcontractors shall be subject to penalties provided herein for violation of the chapter if the contractor or subcontractor fails to comply.

## Historical and Statutory Notes

Source: Band Statute 1085-MLC-36, § 54.01.

### § 406. Numeric goals

(a) The Administration Policy Board will establish the minimum number of Indians each employer must employ on his work force during any year that he or any of his employees are located or engaged in on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Numerical goals shall be set for each craft, skill area, job classification, etc., used by the employer and shall include, but not be limited to, administrators, supervisory and professional categories. The goals shall be expressed in terms of manhours of Indian employment as a percentage of the total manhours worked by the employer's work force in the job classification involved. Numeric goals shall be based upon surveys of the available Indian manpower pool and of project employment opportunities.

(b) For a new employer, the goals shall be established for the entire work force. The employer shall meet with the Administration Policy Board as long before he actually begins work as possible and shall furnish the Board with a precise list of the number and kinds of employees he expects to employ. The Board shall then set specific goals and time tables for the employer after considering any special factors or circumstances the employer wishes to present. The employer shall incorporate the goals into his plan for complying with the provisions of this chapter and shall agree in writing to meet those goals. Any employer who fails to provide such a written statement will not be permitted to commence work on lands under the jurisdiction of the Band.

(c) For an existing employer on the Reservation, the goals shall be a percentage of the new employees expected to be employed during the ensuing year by the employer. The employer shall incorporate the goals into his plan for complying with this chapter and shall agree in writing to meet those goals.

(d) For both new and existing employers, the goals shall be reviewed by the Board at least annually and shall be revised as necessary to reflect changes in the number of Indians available or changes in employer hiring plans. Each employer shall submit a monthly report to the Board on a form provided by the Board, indicating the number of Indians in his work force, how close he is to meeting his goals, all persons hired or fired during the month, the job positions involved, and other information required by the Board.

(e) Each employer shall meet his minimum goals for the employment of Indians. Whenever the Board has reasons to believe that an employer is violating the provisions of this chapter by not meeting his goals, it shall initiate a complaint with the Solicitor General and notify the employer of the alleged violation pursuant to the appropriate section of this chapter. The Board shall bear the initial burden of proving that an employer has failed or is failing to meet his goals. Upon prima facie proof of such failure, the employer shall then bear the burden of proving that he has met or is meeting his goals or has made a good faith effort to meet his goals. It shall not be an excuse for such failure that the union with which the employer has a collective bargaining agreement providing for exclusive referral failed to refer Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.02.

### **§ 407. Training programs**

Every employer may be required by the Board to participate in training programs to assist Indians to become qualified in the various job classifications used by employers. Every employer shall employ the maximum number of Indian trainees or apprentices possible. The ratio of Indian trainees to fully qualified workers shall be set by the Board after consultation with the employer. For construction projects, the number of Indians trainees shall be no less than the minimum ratio established by the United States Department of Labor. Every employer with the collective bargaining agreement with a union shall be required to obtain agreement from the union to establish an advanced journey-man upgrade and apprenticeship program. The contractor shall assist all trainees by the provision of performance recommendations in writing and shall document what attempts he has made to find any trainee another position with another contractor at the conclusion of any present contract.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.03.

### **§ 408. Job qualification criteria and personnel requirements**

Every employer is prohibited from using job qualification criteria or personnel requirements which bar Indians from employment unless such criteria or requirements are required by business necessity. The Board shall bear the initial burden of proving that a job qualification criterion or personnel requirement is not required business necessity. Upon a prima facie proof that a job qualification or personnel criterion is not required by business necessity, the employer shall then bear the burden of proving that it is. If the burden is not met, the employer will be required to eliminate the job qualification

criterion or personnel requirement at issue. Every employer shall make a reasonable accommodation to the religious beliefs of Indian workers. In implementing this section, the Board shall be guided by principles established in the United States Equal Employment Opportunities Commission in order to eliminate employment barriers unique to Indians and this Reservation. If the employer and the Board are unable to agree upon any matter treated in this section, the Board may involve the hearing procedure provided in 18 MLBSA §§ 419 to 423.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.04.

### **§ 409. Band employment contracts program**

The Administration Policy Board shall establish and administer a Band employment contracts program to assist the Board and employers in placing Indians in job positions.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.05.

### **§ 410. Referrals**

(a) An employer may recruit and hire workers from whatever sources are available to him and by whatever process he chooses, provided that he may not hire a non-Indian until he has given the Board a reasonable time to locate a qualified Indian and the Assistant Commissioner of Administration has certified that a qualified Indian is unavailable to fill the vacant job position.

(b) For purposes of this section, "reasonable time" shall be defined as follows: For construction jobs, the Board shall be given 48 hours to locate and an additional 12 hours to refer a qualified Indian; for all other kinds of employment, the Board shall have 5 working days to locate and refer a qualified Indian. The Board may grant a waiver of these time periods upon a showing by the employer that such time periods impose an undue burden upon him.

(c) An employer subject to a collective bargaining agreement with the union shall be exempt from this procedure if the union agrees to place on its referral list all names supplied to it by the Board. However, if any union fails to meet its obligation to refer Indians to an employer, the Board may require the employer to accept Indian referrals from sources other than the union.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, §§ 54.05, 54.06.

### **§ 411. Violations**

If any non-Indian worker is found to be employed in a job in violation of 18 MLBSA §§ 404 to 416, the employer shall be required by the Board to remove the employee summarily and shall be subject to the penalties provided in 18 MLBSA § 428.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.07.

### **§ 412. Counseling and support programs; cooperation**

The Board will establish counseling and other support programs to assist Indians to retain employment. Every member shall be required to cooperate with the Board regarding such counseling and support programs. No Indian person shall be considered for further participation in the provisions of this chapter if he/she shall refuse to accept employment when offered by any party for a period of 180 days.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.08.

### **§ 413. Contractor or subcontractor preferences**

Every employer shall give preference in the award of any contract or subcontract to businesses, organized pursuant to 16 MLBSA § 1 et seq., owned and Indian owned businesses which shall be supplied to the employers for their use. Employers shall not be required to take any extraordinary measure to identify or locate any business organized pursuant to 16 MLBSA § 1 et seq. or any Indian owned business.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.09.

### **§ 414. Layoffs**

In all layoffs and reductions in force, no Indian worker shall be terminated if a non-Indian worker in the same job classification is still employed unless the termination is pursuant to a prior-approved layoff plan by the Administration Policy Board; the non-Indian must

first be terminated if the Indian possesses the threshold qualification for the job classification. If an employer lays off workers by crews, all qualified Indian workers shall be transferred to crews to be retained so long as non-Indians in the same job classification are employed elsewhere on the job site.

**Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.10.

**§ 415. Promotions**

Every employer shall give Indians preferential consideration for all promotion opportunities and shall encourage Indians to seek such opportunities.

For every supervisory position filled by non-Indians, the employer shall file a report with the Board stating what efforts were made to inform Indian workers about the position what Indians, if any, applied for the position, and the reasons why each Indian was not hired for the position.

**Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, §54.11.

**§ 416. Student employment**

Every employer shall give Indian students preferential consideration for summer student employment. The employer shall make every effort to promote after school, summer and vacation employment for Indian students.

**Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 54.12.

**§ 417. Employment Rights Fee**

(a) The Board may assess employers an Employment Rights Fee to provide revenue for operation of the Commission as follows:

(1) Every contractor or subcontractor with a contract of \$ 100,000.00 or more shall pay a one time fee of .5% of the total amount of the contract pursuant to 22 MLBSA § 601.

(2) Every employer other than a contractor or subcontractor with 20 or more employees or annual gross sales of

\$100,000.00 or more shall pay an annual fee of .5% of the employers annual payroll. This fee shall not be required of educational, health or non-profit employers.

(b) Employment Rights fees shall be paid to the Commissioner of Finance and placed in a trust account in the name "Non-Removable Mille Lacs Band of Chippewa Indians: Natural Resource Fund," which is herewith created. The Board shall be responsible for collecting the fees and establishing rules and regulations necessary to insure their fair and timely collection. The Board is authorized to develop a program to rebate up to forty percent of occupation taxes paid by an employer who is found to be in compliance with the requirements imposed by this chapter or is making a substantial effort to train and employ Indian workers.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 55.

### **§ 418. Compliance by unions**

(a) Every union with a collective bargaining agreement with an employer must file a written agreement stating that the union will comply with the provisions of this chapter and the rules, regulations and orders of the Administration Policy Board. Until such agreement is filed with the Board, the employer may not commence work on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

(b) Every union agreement with an employer or filed with the Board must provide:

(1) The union will give absolute preference to Indians in job referrals, regardless of which union referral list they are on.

(2) The union will cooperate with the Commission in all respects.

(3) The union will establish a mechanism allowing Indians to register for job referral lists by telephone or mail.

(4) The union will establish a journeyman upgrade and advanced apprenticeship program.

(5) The union will "blanket-in" all Indians who qualify for journeyman status and wish to join the union.

(6) The union will grant temporary work permits to Indians who do not wish to join the union.

(c) Nothing herein nor any activity by the Administration Policy Board authorized hereby shall constitute official Band recognition of any union or endorsement of any union activities on lands under the jurisdiction of the Band. No union activities shall take place without prior written approval of the Chief Executive and concurrence in the Band Assembly.

(d) Nothing in this chapter shall be construed as a waiver of sovereign immunity to any other agency or government, specifically the National Labor Relations Board and the United States Office of Contract Compliance.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 56.

### **§ 419. Complaint by Administration Policy Board**

If the Administration Policy Board believes that an employer, contractor, subcontractor, or union has failed to comply with the provisions of this Chapter or rules and regulations or orders of the Board, it may file a complaint with the Solicitor General and notify such party of the alleged violation. The Solicitor General shall attempt to achieve a mediated settlement of the matter, but if such settlement cannot be achieved, the Solicitor General shall file a complaint with the Court of Central Jurisdiction.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 57.01.

### **§ 420. Complaint by individuals**

(a) If an Indian believes that an employer has failed to comply with this chapter or rules, regulations or orders of the Board, or believes he has been discriminated against by an employer because he is an Indian, he may file a complaint with the Administration Policy Board specifying the alleged violation. Upon receipt of the complaint, the Board shall investigate and attempt to achieve an informal settlement of the matter. If an informal settlement cannot be achieved, the individual or Board may request a hearing upon the matter pursuant to 18 MLBSA § 419.

(b) If an employer fires, lays off or penalizes in any manner, any Indian employee who utilizes the individual complaint procedure provided herein, or exercises any right provided herein, the employer shall be subject to the penalties in 18 MLBSA § 428.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 57.02.

### **§ 421. Illegal or erroneous statutes, rules, regulations or orders**

If an employer or union believes that any provisions of this chapter or any rule, regulation or order of the Board is illegal or erroneous, it may file a complaint with the Board specifying the alleged illegality or error. Upon receipt of the complaint, the Board shall investigate and attempt to achieve an informal settlement of the matter. If an informal settlement cannot be achieved, the employer, union or Board may request a hearing upon the matter pursuant to 18 MLBSA § 419.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 57.03.

### **§ 422. Notice**

If a hearing is requested by the Administration Policy Board, an individual, an employer, or union pursuant to 18 MLBSA §§ 419 to 423, a written notice of hearing shall be given to all parties concerned of the nature of the hearing and the evidence to be presented, and shall advise such parties of their right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at their own expense, and that the Administration Policy Board shall be represented by the Solicitor General in and for the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 57.

#### **Cross References**

Procedural rights, see 1 MLBSA §§ 6, 8.

### **§ 423. Hearing procedure**

Hearings shall be governed by the following rules of procedure:

- (a) All parties may present testimony of witnesses and other evidence and may be represented by counsel at their own expense.
- (b) The Board may have the advice and assistance at the hearing of general counsel for the Tribe.

(c) The Commissioner of Administration of the Board or the Assistant Commissioner of Administration may preside. No formal rules of evidence or procedure need to be followed, but the Board shall proceed to ascertain the facts in a reasonable and order fashion.

(d) Any matter to be proven must be proven to the satisfaction of the Board by the preponderance of the evidence.

(e) The hearing may be continued at the discretion of the Board.

(f) At the final close of the hearing, the Board may take immediate action or take the matter under advisement.

(g) The Board shall notify all parties within 30 days after its decision in the matter.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 57.04.

#### **Cross References**

Procedural rights, see 1 MLBSA §§ 6, 8.

### **§ 424. Appeals**

Any party to a hearing shall have the right to appeal any decision of the Administration Policy Board to the Court of Central Jurisdiction pursuant to 24 MLBSA § 2501 et seq.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 59.

### **§ 425. Publication of chapter**

(a) The Administration Policy Board shall notify all employers of the provisions of this chapter and their obligation to comply. All bid announcements issued by the Non-Removable Mille Lacs Band of Chippewa Indians or the United States of America or other private or public entity shall contain a statement that the successful bidder will be obligated to comply with provisions of this chapter and all rules, regulations and orders of the Board.

(b) All tribal agencies responsible for issuing business permits for Reservation activities or otherwise engaged in activities involving contact

with prospective employer on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians shall be responsible for advising such prospective employers of their obligation under this chapter and rules, regulations and orders of the Board.

(c) The Board shall send a copy of this chapter to every employer operating on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 60.

### **§ 426. Compliance plan**

As of February 15, 1985, no new employer may commence work on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians until it has consulted with the Administration Policy Board and developed a plan accepted by the Board for meeting its obligation under this chapter.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 61.

### **§ 427. Reporting and on-site inspection**

Employers shall submit reports and other information requested by the Administration Policy Board. The Board shall have the right to make onsite inspections during regular working hours in order to monitor any employers compliance with this chapter and rules, regulations and orders of the Board. The Board shall have the right to inspect and copy all relevant records of any employer, of any signatory union or subcontractor of any employer and shall have a right to speak to workers and conduct an investigation on the job site. All information collected by the Board shall be kept confidential unless disclosure is required during a hearing or appeal as provided in 18 MLBSA § 424.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 62.

### **§ 428. Penalties for violation**

(a) Any employer, contractor, subcontractor or union who violates this chapter or rules, regulations or orders of the Administration Policy Board

shall be subject to penalties for such violations, including, but not limited to:

- (1) Denial of right to commence or continue business on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
  - (2) Suspension of all operations on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
  - (3) Payment of back pay and damages to compensate any injured party.
  - (4) An order to summarily remove employees hired in violation of this chapter or rules, regulations and orders of the Board.
  - (5) Imposition of monetary civil penalties.
  - (6) Prohibition from engaging in any future operation on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
  - (7) An order requiring employment, promotion and training of Indians injured by the violation.
  - (8) An order requiring changes in procedures and policies necessary to eliminate the violations.
  - (9) An order making any other violation deemed by the Commission necessary to alleviate, eliminate or compensate for violation.
- (b) The maximum civil penalty which may be imposed is \$500.00 for each violation. Each day during which a violation exists shall constitute a separate violation.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1085-MLC-36, § 58.

## **CHAPTER 6 MINIMUM WAGE**

**Section:**

- 501. Payment of Minimum Wages
- 502. Gratuities not applied
- 503. Sharing of gratuities
- 504. Unreimbursed expenses deducted
- 505. Expense reimbursement
- 506. Overtime
- 507. Work Breaks
- 508. Meal Breaks
- 509. Authorized Leave
- 510. Application

### **Historical and Statutory Notes**

The Preamble and § 11 of Band Ordinance 30-98 (this Chapter) provide:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of establishing minimum wage standards for workers within the territorial jurisdiction of the Mille Lacs Band.”

“**Section 11. Effective Date** This Act shall become effective October 1, 1998.”

### **§ 501. Payment of Minimum Wages**

(a) For purposes of this Chapter, the terms defined in this paragraph have the meanings given them:

(1) “Large Employer” means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000, exclusive of excise and sales taxes that are collected at the retail level.

(2) “Mille Lacs Band” or “Band” means the Mille Lacs Band of Ojibwe or any political subdivision thereof.

(3) “Salary” means wages paid periodically in contrast to wages based on an hourly rate.

(4) “Small Employer” means an enterprise whose annual gross volume of sales made or business done is less than \$500,000, exclusive of excise and sales taxes that are collected at the retail level.

(b) Except as may otherwise be provided for in this Chapter every “large employer” or the “Band” must pay each employee wages of at least \$7.00 an hour unless a higher amount is required under applicable law.

(c) Except as may otherwise be provided for in this Chapter every “small employer” must pay each employee at a rate of at least \$6.50 an hour unless a higher amount is required under applicable law.

(d) A “large employer” must pay each employee at a rate of at least the minimum wage set by this section without the reduction for training wage or full-time student status allowed by federal law.

(e) Any governmentally funded program, whether Band, federal or state employing students enrolled in educational classes is expressly exempt from the provisions of this section.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 1

### **§ 502. Gratuities not applied**

(a) An employer may not directly or indirectly credit, apply or otherwise utilize gratuities towards payment of the minimum wage set by this section or any other applicable law.

(b) Notwithstanding any provision of this Chapter to the contrary, an employer shall not be required to pay an employee receiving 30% or more of their earnings from tips or gratuities the Band’s minimum wage rate prescribed in section 501 of this Chapter. Instead such an employee shall be entitled to receive a minimum wage at the federal rate.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 2

### **§ 503. Sharing of gratuities**

(a) All tips of gratuities may be retained by employees receiving tips and gratuities.

(b) Notwithstanding the provisions of paragraph (a) of this section any tip or gratuity received by employees and deposited in a fund or pool operated for the benefit of such employees to be divided among such employees shall be permissible.

### Historical and Statutory Notes

**Source:**

Band Ordinance 30-98, § 3

### **§ 504. Unreimbursed expenses deducted**

Deductions, direct or indirect, from wages or gratuities not authorized by this section may only be taken as otherwise authorized by law. Deductions, direct or indirect, for up to the full cost of an individual uniform or individual piece of equipment as listed below, may not exceed fifty dollars (\$50.00). No deductions, direct or indirect may be made for the items listed below which when subtracted from wages would reduce the wage below the allowable minimum:

- (a) Purchased or rented uniforms or specifically designed clothing required by the employer, by the nature of the employment or by law as a condition of the employment, which is not generally appropriate for use except in that employment;
- (b) Purchased or rented equipment used in employment, except as tools of trade, motor vehicle or any other equipment which may be used outside the employment;
- (c) Consumable supplies required in the course of that employment;
- (d) Travel expenses in the course of employment except those incurred in traveling to and from the employee's residence and place of employment.

### Historical and Statutory Notes

**Source:**

Band Ordinance 30-98, § 4

### **§ 505. Expense reimbursement**

An employer, at the termination of an employee's employment, must reimburse the full amount deducted, directly or indirectly, for any of the items listed in section 504 of this Chapter. When reimbursement is made, the employer may require the employee to surrender any existing items for which the employer provided reimbursement.

### Historical and Statutory Notes

**Source:**

Band Ordinance 30-98, § 5

## **§ 506. Overtime**

(a) Compensation required. An employer may not employ an employee for a workweek longer than (40) hours, unless the employee receives compensation for employment in excess of (40) hours in a workweek at a rate of at least 1½ times the employee's wage. An employer may also grant compensatory time off at the rate of 1½ hours for each hour worked in excess of (40) hours in lieu of monetary compensation.

(b) An employer does not violate this section 506 if the employer and employee agree before the performance of a workweek to accept to work period of (14) consecutive days in lieu of the workweek of (7) consecutive days for the purpose of overtime compensation and if for the employment in excess of eight hours in any workday and in excess of eighty (80) hours in the fourteen (14) day period the employee receives pay or compensatory time off at a rate not less than 1½ times the regular rate at which the employee is employed.

(c) This section 506 shall not apply to employees receiving a salary.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 6

## **§ 507. Work Breaks**

An employer must allow each employee a 15-minute break from work within each four consecutive hours of work.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 7

## **§ 508. Meal Breaks**

(a) An employer must permit each employee who is working for eight or more hours at least 30 minutes to eat a meal.

(b) Nothing in this section requires the employer to pay the employee during the meal break.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 8

## **§ 509. Authorized Leave**

Any employee may not unreasonably be denied time-off from work to attend Midewin or Drum Society Ceremonies.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 9

## **§ 510. Application**

The provisions of this Chapter shall apply within the territorial jurisdiction of the Mille Lacs Band of Ojibwe.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 10

## **Chapter 7**

### **RIGHT TO WORK**

**Section**

- 601. Findings and Determinations
- 602. Definitions
- 603. Right to Work
- 604. Prohibition of Strikes
- 605. Jurisdiction
- 606. Civil Remedies
- 607. Complaint Process
- 608. Enforcement

### **Historical and Statutory Notes**

The Title of Band Ordinance 55-08 (this Chapter) is: “An Ordinance amending Title 18 of the Mille Lacs Band Statutes Annotated (Commercial Practices) to add Chapter 7 – Right to Work.”

The preamble of Band Ordinance 55-08 provides: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Title 18 of the Mille Lacs Band Statutes Annotated (Commercial Practices) to add Chapter 7 to be entitled ‘Right to Work.’”

## **§ 601. Findings and Determinations**

The Band Assembly hereby finds and determines:

(a) The Mille Lacs Band of Ojibwe has the inherent power to maintain a Band government which may enact laws to preserve the sovereignty of the Band and to promote and maintain individual rights and promote the general welfare of the people of the Band.

(b) With the recent expansion of economic development, employment within the jurisdiction of the Band has grown substantially, and the Band has exercised its sovereignty in enacting laws to govern employment relationships.

(c) The right to work on land within the jurisdiction of the Band is a fundamental right that should not be abridged.

(d) No person should be forced to join or be penalized for not joining a union or other collective bargaining organization and should be able to make that choice freely and voluntarily.

(e) The Mille Lacs Band of Ojibwe enacts this law governing employment and labor pursuant to the Band's inherent sovereign authority to govern activities on lands within the jurisdiction of the Band, whether the activities are of Band members, non-members, Indians, or non-Indians, and whether based on consensual relationships with the Band or conduct which impacts and affects the health, safety, political and economic integrity of the Band and the community including Band members, employees, vendors, patrons and others.

### **Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 1

## **§ 602. Definitions**

(a) "Employer" means any person, firm, association, corporation, government or any subdivision thereof and other entity operating within the jurisdiction of the Band and directly or indirectly employing one or more persons to perform work, except for any such person, firm, association, or corporation which has a principal place of business located outside the jurisdiction of the Band and operates pursuant to an Agreement with the Band or Band entity to perform construction related activities.

(b) "Labor organization" means any organization or agency or group of employees or employee committee or plan in which employees participate that is organized or exists for the purpose of dealing with an employer or employers concerning hours of employment, wages, rates of pay, working conditions or grievances of any kind relating to employment.

(c) “Labor dispute” includes any controversy concerning terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment whether or not the disputants stand in the proximate relationship of employer and employee.

(d) “Person” means any individual, labor organization, corporation, partnership, company, association or other legal entity, including the Mille Lacs Band of Ojibwe and any subdivision thereof and the Corporate Commission of the Mille Lacs Band of Ojibwe.

(e) “Strike” means any temporary stoppage, reduction, disruption or slowdown of work by the concerted action of two or more employees as a result of a labor dispute.

(f) “Union dues” means dues, fees, assessments or other charges of any kind or amount or their equivalents paid or payable, directly or indirectly, to a labor organization or its agents and includes payments to any charity or other third party in lieu of such payments to a labor organization.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 2

### **§ 3. Right to Work**

(a) No person shall be required, as a condition of employment, or continuation of employment, within the jurisdiction of the Band, to do any of the following:

- (1) Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
- (2) Become or remain a member of a labor organization; or
- (3) Pay union dues as defined in this chapter.

(b) Any agreement between any labor organization and any employer that violates subsection (a) or otherwise violates the rights of persons defined by this chapter is of no legal effect. This chapter does not bar any person from voluntarily obtaining or maintaining membership in any labor organization or from voluntarily paying union dues as defined in this chapter.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 3

### **§ 604. Prohibition of Strikes**

(a) No person shall engage in a strike and no person shall cause, instigate, encourage, or condone a strike.

(b) For purposes of this section, if a person is absent from work, or abstains wholly or in part from the full performance of his or her normal duties, on the date or dates when a strike occurs, it shall create a rebuttable presumption to have engaged in such strike on such date or dates.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 4

### **§ 605. Jurisdiction**

The Court of Central Jurisdiction shall have jurisdiction over all causes of action alleging violations of this chapter. Nothing provided in this chapter shall be deemed to be a waiver of the sovereign immunity of the Mille Lacs Band of Ojibwe from suit. Nothing provided in this chapter shall diminish the immunity protections of 2 MLBSA § 5 and 16 MLBSA § 109.

### **§ 606. Civil Remedies**

Any person injured as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to petition the Court of Central Jurisdiction for injunctive relief from or against any person who violates or threatens any violation of this chapter, and may, in addition thereto, file a claim to recover actual damages resulting from the violation or threatened violation. Actual damages shall not include punitive damages or attorney fees. The remedy shall be independent of, and in addition to, any other penalties and remedies prescribed by applicable law.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 6

### **§ 607. Complaint Process**

(a) Petition.

Any person injured as a result of any violation or threatened violation of the provisions of this chapter shall first petition the Court of Central Jurisdiction for a show cause hearing. The Petition shall include a statement of the facts constituting the violation or threatened violation of the provisions of this chapter and the specific relief requested. The Petition shall also be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(b) Notice of Hearing.

The Clerk of Court shall schedule a hearing within 30 days after receipt of the Petition. The Clerk shall submit a Notice of Hearing to the person against whom the action is being instituted. The Notice shall state that the person has a right to appear at this hearing on his or her own behalf or with an attorney. The person shall have a right to present defenses to the claim and to state the reasons why the Petition should be denied. The Petition shall clearly state a claim to the violation of this chapter and the damages sought. Finally, the notice shall clearly state that if the person fails to appear at the hearing the Court has the authority to enter a default judgment on behalf of the Petitioner and direct that the requested relief be immediately granted.

(c) Emergency Procedure

(1) Where an application under this chapter alleges an immediate and present violation or threatened violation of section 4 of this chapter, the court may grant an ex-parte temporary order enjoining the violation or threatened violation.

(2) An ex-parte temporary order shall be effective for a fixed period not to exceed 14 days. A full hearing as provided by this chapter shall be set for not later than 7 days from the issuance of the temporary order. The respondent shall be served forthwith a copy of the ex-parte order along with a copy of the petition and affidavit and notice of the date set for the hearing.

(3) Service of Order. Any order issued under this chapter shall be personally served upon the respondent.

**Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 7

**§ 608. Enforcement**

(a) The Court of Central Jurisdiction shall have the judicial authority to provide an equitable remedy in the execution its judgments and determinations to promote the general welfare, preserve and maintain justice, and to protect the rights of all persons under the jurisdiction of the Mille Lacs Band of Ojibwe.

(b) The Court of Central Jurisdiction shall have the power to issue orders to prevent an injustice or injury, require action or conduct, and issue any other orders as are necessary in the furtherance of justice.

**Historical and Statutory Notes**

**Source:** Band Ordinance 55-08, § 8