

A Bill amending Title 3 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of removing Robert’s Rules of Order, adding a definition section, adding a section to clarify when a bill or order becomes effective, and adding language to ensure clear language throughout.

By amending Title 3, “[t]he Band Assembly shall conduct formal public hearings on any bill which alters, amends or repeals Titles 1, 3, 4 and 5, Chapter 1 of Title 2 and Subchapters 1 to 3 of Chapter 3 of Title 24 of the Mille Lacs Band Statutes Annotated.” The Band Assembly conducted a formal public hearing on April 7, 2021, during a Band Assembly meeting. Because of the circumstances of COVID-19, Band Assembly did not find it appropriate to conduct in-person hearings in all appropriate Band districts and thus held the formal public hearing via Zoom. To ensure all districts felt heard, Band Assembly sent out a letter giving notice of the formal public hearing, encouraging all Band members to participate in the hearing.

The District I Representative introduced the following Bill on the 28th day of April, 2021.

Preamble

Be it enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the purposes of removing Robert’s Rules of Order, adding a definition section, adding a section to clarify when a bill or order becomes effective, and adding language to ensure clear language.

**Section 1. Amending Title 3 – Legislative Branch.**

Title 3 is amended as follows:

**TITLE 3 - LEGISLATIVE BRANCH**

**Section**

**1. Definitions.**

**~~1.2.~~Band Assembly.**

**~~2.3.~~Legislative Power.**

**~~3.4.~~Initiative and Referendum.**

**~~4.5.~~Band Assembly Members.**

**~~5.6.~~Terms of Office.**

**~~6.7.~~Powers and Duties of Speaker of Assembly.**

**~~7.8.~~Powers and Duties of the Secretary-Treasurer.**

**~~8.9.~~Powers and Duties of District Representatives.**

**~~9.10.~~ Parliamentarian/Clerk of the Band Assembly.**

**~~10.11.~~ Record of Proceedings.**

**~~11.12.~~ Rules of Band Assembly.**

**~~12.13.~~ Membership of Band Assembly.**

**~~13.14.~~ Quorum.**

- 46 **14.15. Roll Call Vote.**
- 47 **15.16. Compensation.**
- 48 **16.17. Passage of Laws.**
- 49 **17.18. Annulment of Commissioner's Orders and Opinions of Solicitor General.**
- 50 **18.19. Appropriation Bills Prior to End of Fiscal Year.**
- 51 **19.20. Fiscal Year.**
- 52 **20.21. Petitions of Members of Band.**
- 53 **21.22. Legislative Privilege.**
- 54 **22.23. Assembly Powers of Inquiry.**
- 55 **23.24. Multi-Topic Bills.**
- 56 **24.25. Joint Session of Band Assembly.**
- 57 **25.26. Removal of Elected Officials or Appointees.**
- 58 **26.27. Elections.**
- 59 **27.28. Legislative Orders.**
- 60 **29. Style of Laws.**
- 61 **28.30. Effective Date for Bills, Orders, and Resolutions.**
- 62 **29.31. Interpretation of Title.**
- 63 **30.32. Construction of Title.**

**Historical and Statutory Notes**

67 Band Statute 1142-MLC-2, §§ 1 and 2 provide: "Section 1. Purpose. The purpose of this act is to promote  
 68 the general welfare of the Non-Removable Mille Lacs Bands of Chippewa Indians and its members by  
 69 establishing duties, purposes and procedures for the conduct of domestic and external affairs of the Band  
 70 by a form of government based upon the principle of division of powers. This statute is enacted by the  
 71 authority vested in the Mille Lacs Reservation Business Committee under Article VI, Section 1 of the  
 72 Constitution of the Minnesota Chippewa Tribe.

73  
 74 "Section 2. Scope of Amending Provision. Band Statutes 1001-MLC-1, 1002-MLC-02,  
 75 1008-MLC-1, 1011-MLC-5, 1024-MLC-3, 1032-MLC-1, 1033-MLC-1, 1037-MLC-2, 1039-MLC-1,  
 76 1063-MLC-5 are hereby repealed in their entirety and replaced by the provisions of this act, except that:

77  
 78 "Section 2.01. The provisions of Band Statute 1032-MLC-1, Section 28, relating to the authorities of the  
 79 Commissioner of Corporate Affairs shall be transferred and hereinafter referenced by Band Statute 1077-  
 80 MLC-16, Section 5.

81  
 82 "Section 2.02. The provisions of Band Statutes 1032-MLC-1, Section 29, relating to the authorities of the  
 83 commissioner of Natural Resources shall be transferred and hereinafter referenced by Band Statute 1030-  
 84 MLC-22 Section 32."

85  
 86 The Title of Band Ordinance 23-99 is "An Ordinance amending the budgeting period of the Mille Lacs  
 87 Band of Ojibwe and repealing and replacing 4 MLBS §3(d), 4 MLBS §10(e), 3 MLBS §18 and 5 MLBS  
 88 114(e) of the Mille Lacs Band Statutes Annotated."

89  
 90 The Preamble of Band Ordinance 23-99 provides: "It is enacted by the Band Assembly of the Mille Lacs  
 91 Band of Ojibwe for the purposes of amending the body of law governing the Band's budgeting period.  
 92 The Band Assembly determines that it is in the Band's best interest to appropriate Band funds for a two-  
 93 year budgeting period." Band Ordinance 23-99, §§ 1 & 2 provide:

94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139

“Section 1. Purpose “This Act is intended to amend the body of law governing the budgeting cycle of the Mille Lacs Band of Ojibwe. The purpose of this Act is to provide a process whereby the Mille Lacs Band of Ojibwe appropriates funds based on a two-year time period.

“Section 2. Repeal “3 MLBAS §18, 4 MLBS §3(d), 4 MLBS §10(e) and 5 MLBS §114(e) of the Mille Lacs Band Statutes Annotated is hereby repealed and replaced in its entirety.”

**Cross References**

- Band government identification cards, *see* 22 MLBS § 308.
- Bribery, *see* 24 MLBS § 1203.
- Environmental Protection Ordinance, approval of variances, *see* 11 MLBS § 115.
- Exemption from personnel manual provisions, *see* 6 MLBS § 8.
- Procurement, Band Assembly responsibilities, *see* 7 MLBS § 103.
- Special Revenue Resolutions, *see* 22 MLBS § 102.

**§ 1. Definitions.**

The definitions in this section shall apply to this Title.

- (a) “Band” means the Non-Removable Mille Lacs Band of Ojibwe.
- (b) “Band Assembly” means the Band’s legislative branch, established pursuant to 3 MLBS § 1, and comprised of the duly elected Speaker of the Assembly and three District Representatives.
- (c) “Bill” means proposed legislation under consideration by the Band Assembly.
- (d) “Chief Executive” means the elected official who leads the Band’s executive branch pursuant to 4 MLBS § 6.
- (e) “Clerk of the Band Assembly” means the appointed official pursuant to 3 MLBS § 10 who is responsible for managing the session proceedings, record-keeping, and bill drafting.
- (f) “Formal Public Hearing” means a hearing conducted by the Band Assembly pursuant to 3 MLBS § 17(a).
- (g) “Joint Session of the Band Assembly” means a meeting with the four members of the Band Assembly and the Chief Executive, convened pursuant to 3 MLBS § 25.
- (h) “Opinion” means a written interpretation of Band laws, policies, or legislative, secretarial, or commissioner’s orders pursuant to 4 MLBS § 18.

- 140 (i) “Ordinance” means a law adopted by the Band Assembly and signed by the Chief  
 141 Executive.
- 142
- 143 (j) “Parliamentarian” means the appointed official pursuant to 3 MLBS § 10 who is  
 144 trained in parliamentary law and in the rules, precedents, and practices of the Band  
 145 Assembly.
- 146
- 147 (k) “Resolution” means a formal expression of opinion, will, or intention voted on by  
 148 the Band Assembly.
- 149
- 150 (l) “Resolution of the Joint Session of the Band Assembly” means a resolution of the  
 151 Joint Session of the Band Assembly, which is voted on by the Band Assembly and  
 152 the Chief Executive.
- 153
- 154 (m) “Secretary-Treasurer” means the elected official who has the powers and duties in  
 155 administrating the Band’s financial affairs pursuant to 3 MLBS § 8.
- 156
- 157 (n) “Speaker of the Assembly” means the elected official who leads the Band’s  
 158 legislative branch pursuant to 3 MLBS § 7.
- 159
- 160 (o) “Statute” means an ordinance that has been codified into Band law pursuant to Title  
 161 25.
- 162

163 **§ 2. Band Assembly.**

164

- 165 (a) All legislative political authority of the ~~Non-Removable Mille Lacs Bands of~~  
 166 ~~Chippewa Indians~~ Non-Removable Mille Lacs Band of Ojibwe shall be vested in the  
 167 Legislative Branch of government. The Legislative Branch of government shall be  
 168 known as the Band Assembly. It shall be comprised of the duly elected  
 169 representatives of the legislative districts of the Mille Lacs Reservation. Each District  
 170 shall elect one representative. The Districts are as follows:
- 171
- 172 (1) District 1; ~~Nay-Ah-Shing~~ Nayahshing (Vineland);-
- 173
- 174 (2) District 2; ~~Mi-ni-Si-na-kwang~~ Minisinaakwaang (East Lake), ~~Chi-MI-ni~~  
 175 ~~sing~~ Chi Minising (Isle), ~~Gaa-mitaawangaagamaag~~ (Sandy Lake), and ~~Chi-~~  
 176 ~~manoominikaang~~ (Minnewawa); and;
- 177
- 178 (1) District 3; ~~Gaa-zhiigwanaabikokaag~~ (Hinckley) and ~~Aazhoomoog~~ (Lake  
 179 ~~Lena)~~. ~~Ah-Sho-Moog~~.
- 180
- 181 (b) The Secretary-Treasurer shall be the leader of the Band Assembly. The Secretary-  
 182 Treasurer shall exercise his/her legislative duties under the title "Speaker of the  
 183 Assembly." The Secretary-Treasurer shall exercise his/her financial duties under the  
 184 title "Secretary of Treasury."

185  
186 (a)(c) Unless otherwise specified by Band Statute, all legislative authority of the Mille Lacs  
187 Reservation Business Committee shall be exercised by the Band Assembly. The  
188 Band Assembly is and shall be the body referred to in the Constitution as the  
189 Reservation Business Committee.

190  
191 **Historical and Statutory Notes**

192  
193 **Source:**

194 Band Statute 1141-MLC-2, § 4.01.

195  
196 **Cross References**

197  
198 Designation of band districts, *see* 2 MLBS§ 11.  
199 Functions of governmental authority, *see* 2 MLBS § 4.  
200 Reservation Business Committee, *see* Const. Art. 3, § 2.

201  
202  
203 **§ 32. Legislative Power.**

204  
205 It shall be the authority and duty of the Legislative Branch to enact laws which regulate internal  
206 and external affairs of the ~~Mille Lacs Bands~~ Band in order to promote the general welfare of the  
207 people. The Band Assembly shall have power:

- 208  
209 (a) to enact laws which promote the general welfare of the people;  
210  
211 (b) to appropriate all Band revenue regardless of source;  
212  
213 (c) to confirm appointments of the Chief Executive, which are by law required to be  
214 with the advice and consent of the Band Assembly;  
215  
216 (d) to adopt resolutions;  
217  
218 (e) to annul any Commissioner's Order or any opinion of the Solicitor General in  
219 conformity with 3 MLBS § 187;  
220  
221 (f) to ratify agreements, contracts, cooperative and reciprocity agreements and  
222 memoranda of understanding; and  
223  
224 (g) to perform all other legislative functions conferred by the provisions of Article VI  
225 of the Constitution of the Minnesota Chippewa Tribe.

226  
227 **Historical and Statutory Notes**

228 **Source:**

229 Band Statute 1141-MLC-2, § 5.  
230

231 **Cross References**

- 232
- 233 Consolidated Nay-Ah-Shing School Board; powers reserved to Band Assembly, *see* 9 MLBS § 15.
- 234 Education-related funds, appropriation authority, *see* 9 MLBS § 27.
- 235 Gaming, Compacts with State of Minnesota, *see* 15 MLBS § 106.
- 236 Management agreements, ratification, *see* 15 MLBS § 105.
- 237 Negotiation and execution of agreements, contracts, etc., *see* 4 MLBS § 3.
- 238 Recommendation of agreements, contracts, etc., *see* 4 MLBS § 6.
- 239 Violation of approved Tribal Ordinance, *see* 24 MLBS § 1211.

240  
241

242 **§ 43. Initiative and Referendum.**

243

244 (a) The legislative authority of the ~~Non-Removable Mille Lacs Bands of Chippewa~~  
 245 ~~Indians~~ Non-Removable Mille Lacs Band of Ojibwe is vested in the Band Assembly,  
 246 but there is reserved to the people the power to propose bills and laws and to enact or  
 247 reject the same at the polls, independent of the Band Assembly and at their own  
 248 option, to approve or reject at the polls any item, section or part of any bill or law  
 249 passed by the Band Assembly, subject to election regulations promulgated by the  
 250 Band Assembly.

251

252 (b) The power of the people to approve or reject at the polls any item, section or part of  
 253 any bill or law passed by the Band Assembly shall be exercised by filing a petition  
 254 with the Secretary-Treasurer, signed by at least five percent (5%) of the Band  
 255 members entitled to vote in tribal elections based on the total number of registered  
 256 voters at the last preceding tribal election, within twenty (20) calendar days after the  
 257 passage of such bill or law. Newly enacted bills and laws shall be posted in each  
 258 district within five (5) calendar days of enactment and shall remain posted until  
 259 twenty (20) calendar days have passed after enactment.- The same petition  
 260 requirements, excluding the twenty (20)-day limitation, shall apply to the power of  
 261 the people to propose new bills and laws. An election regarding such initiative or  
 262 referendum shall be held within thirty (30) calendar days after the filing of the  
 263 petition.

264

265 (c) The people shall not have the power to approve or reject at the polls any item, section  
 266 or part of any bill or law passed by the Band Assembly prior to September 19, 1992.

267

268 **Historical and Statutory Notes**

269

270 **Source:**

- 271 Band Statute 1141-MLC-2, § 6.
- 272 Band Ordinance 08-93.

273

274 **Cross References**

275

276 Referendum, *see* Const. Art. 14, § 2.

277

278

279 **§ 54. Band Assembly Members.**

280  
281 The Band Assembly shall be comprised of the popularly-elected Secretary-Treasurer who shall  
282 be the Speaker of the Assembly, and the popularly elected District Representatives from each of  
283 the three (3) districts within the territorial jurisdiction of the Reservation. Each District  
284 Representative shall have one (1) vote in the Band Assembly.

285  
286 **Historical and Statutory Notes**

287  
288 **Source:**

289 Band Statute 1141-MLC-2, § 7.  
290

291  
292 **§ 65. Terms of Office.**

293  
294 The terms of office of the members of the Band Assembly shall be the term prescribed for the  
295 Secretary-Treasurer and Committeemen of the Reservation Business Committee in Article IV,  
296 § 3, of the Constitution.

297  
298 **Historical and Statutory Notes**

299  
300 **Source:**

301 Band Statute 1141-MLC-2, § 8.  
302

303  
304 **§ 76. Powers and Duties of Speaker of Assembly.**

305  
306 (a) The Speaker of the Assembly shall be the leader of the Legislative Branch of  
307 Government and have the following authority in exercising said authority of  
308 government:

- 309  
310 (1) to convene the Band Assembly for due cause at any time. In the event that  
311 he/she shall fail to do so upon request of any two District Representatives, the  
312 Assembly may be convened after forty-eight (48) hours' notice by any  
313 member of the Band Assembly;  
314  
315 (2) to be considered as a member of the Band Assembly for purposes of  
316 establishing a quorum;  
317  
318 (3) to require the prompt recording of the Band Assembly's acts and deeds;  
319  
320 (4) to schedule all special hearings of the Band Assembly upon request of any  
321 two District Representatives;  
322  
323 (5) to have the powers of authorization for issuance of all subpoenas and official  
324 documents on behalf of the Band Assembly; and  
325

- 326 (6) to maintain order in all sessions of the Band Assembly.  
327  
328 (a) ~~He/she~~The Speaker of the Assembly shall not be a voting member of the Band  
329 Assembly.

330 **Historical and Statutory Notes**  
331  
332  
333

334 **Source:**

335 Band Statute 1141-MLC-2, § 9.  
336  
337

338 **§ 87. Powers and Duties of Secretary-Treasurer.**  
339

340 The Secretary-Treasurer shall have the following general powers and duties in administrating  
341 the financial affairs of Band government:  
342

- 343 (a) to superintend and manage all fiscal operations, planning and budgeting of the  
344 Non-Removable Mille Lacs Band of ~~Chippewa Indians~~Ojibwe as authorized  
345 by the Band Assembly;  
346  
347 (b) to enforce on behalf of the Band, all judgments and claims rendered in its  
348 favor;  
349  
350 (c) to receive and receipt for all monies paid into the Band treasury and safely  
351 keep the same until lawfully disbursed by formal appropriation;  
352  
353 (d) to have powers of investigations of financial irregularity;  
354  
355 (e) to require the production of such books, accounts, documents and property  
356 under any lawful financial inquiry in all things that will aid him/her in the  
357 performance of his/her duties;  
358  
359 (f) to levy, impound or attach any financial account of the Non-Removable Mille  
360 Lacs Band of ~~Chippewa Indians~~Ojibwe or any political subdivision thereof to  
361 prevent serious financial jeopardy or acts in violation of law. This authority  
362 shall not be exercised to contravene any lawful acts of the Band Assembly;  
363  
364 (g) to issue Secretarial Orders to implement decisions concerning matters of the  
365 fiscal affairs of the Band consistent with the powers herein delegated. Such  
366 written orders shall be in uniform format, numbered consecutively and have  
367 expiration dates;  
368  
369 (h) to nominate in conjunction with the Chief Executive a suitable person to act as  
370 the Commissioner of Finance;  
371



- 372 (i) the Secretary-Treasurer shall post a fidelity bond in favor of the Non-  
373 Removable Mille Lacs Band of ~~Chippewa Indians~~Ojibwe in an amount  
374 satisfactory to the Band Assembly; and  
375  
376 (j) the Secretary-Treasurer shall coordinate with the Commissioner of Finance for  
377 the Office of Management and Budget, to ensure that financial planning and  
378 operations are consistent.  
379

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

#### 381 **Source:**

382 Band Statute 1141-MLC-2, § 10.  
383  
384

### 385 **Cross References**

386  
387 Commissioner of Finance, *see* 22 MLBS § 101 et seq.  
388 Public Works Commission, financial record system, *see* 13 MLBS § 14.  
389 Review of proposed procurement actions, *see* 7 MLBS § 6.  
390 Violation of Secretarial Orders, *see* 24 MLBS § 1212.  
391  
392

### 393 **§ 98. Powers and Duties of District Representatives.**

- 394  
395 (a) The District Representatives shall have the following individual authority in the  
396 exercise of legislative powers of Band government:  
397  
398 (1) To introduce into the Band Assembly appropriate bills promoting the general  
399 welfare of the people for enactment into the laws of the Band.  
400  
401 (2) To establish district committees within their respective districts for the  
402 purpose of aiding them in the performance of their legislative duties.  
403  
404 (3) To chair public hearings on any proposed law within their appropriate district.  
405  
406 (4) To attend all sessions of the Band Assembly when called upon by the Speaker  
407 of the Assembly. The failure to attend any session of the Band Assembly shall  
408 require the official consent of the Band Assembly in order to consider said  
409 absence as excused.  
410  
411 (5) To represent the community interests of the district from which the  
412 Representative was elected. The Representative shall exercise this duty fairly  
413 and impartially in order to promote the general welfare of all district residents.  
414  
415 (6) To authorize the use of district community centers according to written  
416 standards that are fair and reasonable.  
417

- 418 (7) To comply with the provisions of the oath of office of a District  
 419 Representative.  
 420  
 421 (8) To refrain from the disclosure or distribution of any privileged or confidential  
 422 information or documents that may come into their possession as a result of  
 423 their office.  
 424  
 425 (9) To perform all legislative and other duties as may be assigned by the Speaker  
 426 of the Assembly or the Band Assembly.  
 427  
 428 (b) No popularly-elected District Representative to the Band Assembly shall exercise any  
 429 of the authority properly belonging to either the Executive or Judicial branches of  
 430 government or to any officer who is appointed to serve the ~~Non-Removable Mille~~  
 431 ~~Lacs Bands of Chippewa Indians~~ Non-Removable Mille Lacs Band of Ojibwe.

432  
 433 **Historical and Statutory Notes**  
 434

435 **Source:**

436 Band Statute 1141-MLC-2, § 11.  
 437

438 **Cross References**  
 439

440 Community centers, use, *see* Exec. Order 033.  
 441 Division of powers, *see* 2 MLBS § 3.  
 442 Functions of Band government, *see* 2 MLBS § 4.  
 443  
 444

445 **§ 109. Parliamentarian/Clerk of the Band Assembly.**  
 446

447 The Band Assembly shall appoint an individual, not a member of the Band Assembly, who shall  
 448 act as Parliamentarian and Clerk of the Band Assembly. ~~He/she~~ The Parliamentarian shall be  
 449 independent of any supervisory authority in the Band Assembly. ~~when acting as~~  
 450 ~~Parliamentarian.~~ All parliamentary decisions shall be rendered in an impartial manner ~~and be in~~  
 451 ~~accordance with Robert's Rules of Order.~~ He/she The Parliamentarian may be removed from  
 452 office by unanimous vote of the Band Assembly in concurrence with the Speaker of the  
 453 Assembly.  
 454

455 **Historical and Statutory Notes**  
 456

457 **Source:**

458 Band Statute 1141-MLC-2 § 12  
 459  
 460

461 **§ 110. Record of Proceedings.**  
 462

463 It shall be the duty of the Clerk of the Band Assembly to record all official minutes of the  
 464 proceedings of the Band Assembly. The Clerk of the Band Assembly shall add the meeting  
 465 minutes to the next scheduled Band Assembly agenda for Band Assembly approval. The official

466 record of the proceedings of the Band Assembly shall be prima facie evidence of the facts stated  
467 therein in the Court of Central Jurisdiction and any other court of competent jurisdiction.

468  
469 **Historical and Statutory Notes**

470  
471 **Source:**

472 Band Statute 1141-MLC-2, § 12.01.  
473

474  
475 **§ 121. Rules of Band Assembly.**

476  
477 The Band Assembly shall establish the rules of its proceedings, decide upon its adjournment and  
478 discipline of its members through censure for improper conduct as a Band Assembly member;  
479 or other disciplinary action, provided, however, that removal shall be governed by 3 MLBS  
480 § 254(a), but not twice for the same offense.

481  
482 **Historical and Statutory Notes**

483  
484 **Source:**

485 Band Statute 1141-MLC-2, § 13.  
486

487  
488 **§ 132. Membership of Band Assembly.**

489  
490 The Band Assembly shall be defined as all popularly-elected or appointed members, in the case  
491 of vacancies that may be filled pursuant to the provisions of Minnesota Chippewa Tribal  
492 Election Ordinance Number 4. The Chief Executive shall not be a member of the Band  
493 Assembly.

494  
495 **Historical and Statutory Notes**

496  
497 **Source:**

498 Band Statute 1141-MLC-2, § 14.  
499

500  
501 **§ 143. Quorum.**

502  
503 Any three (3) members shall constitute a quorum to transact business of the Band Assembly.  
504 The Speaker of the Assembly shall be considered as a member of the Band Assembly for the  
505 purpose of establishing a quorum.

506  
507 **Historical and Statutory Notes**

508  
509 **Source:**

510 Band Statute 1141-MLC-2, § 14.01.  
511  
512

513 § 154. Roll Call Vote.

514

515 In all votes of the Band Assembly, a roll call vote may be utilized upon the request of any  
516 Representative and their roll call vote shall be entered for the record. Otherwise, all other votes  
517 may be consensual.

518

519

**Historical and Statutory Notes**

520

521 **Source:**

522 Band Statute 1141-MLC-2, § 15

523

524

525 § 165. Compensation.

526

527 The compensation for members of the Band Assembly shall be prescribed by Band Law  
528 provided that sufficient funds are available for said compensation. No increase in compensation  
529 shall take effect during the period for which the existing membership of the Band Assembly has  
530 been elected after July 1, 1984.

531

532

**Historical and Statutory Notes**

533

534 **Source:**

535 Band Statute 1141-MLC-2, § 16.

536

537

538 § 176. Passage of Laws.

539

540 (a) The Band Assembly shall conduct formal public hearings on any bill which alters,  
541 amends, or repeals Titles 1, 3, 4 and 5, Chapter 1 of Title 2, and Subchapters ~~14~~ to  
542 ~~311~~ of Chapter 3 of Title 24 of the Mille Lacs Band Statutes ~~Annotated~~. The Band  
543 Assembly may conduct formal public hearings on any or all other bills at their  
544 discretion. Formal public hearings shall be held in all appropriate districts of the  
545 ~~Mille Lacs~~ Band's Reservation prior to the time that the Band Assembly seeks to  
546 formally act upon said bill. Additionally, each bill shall be posted in a conspicuous  
547 location for ten (10) calendar days after said bill has been introduced at a formal  
548 public hearing. This provision shall not apply to any bill on which no formal public  
549 hearing has been held.

550

551 (b) A majority vote of the three (3) District Representatives shall be required for the  
552 passage of each bill.

553

554 (c) After the formal action of the Band Assembly, no later than seventy-two (72) hours  
555 after said action, each bill shall be personally delivered to the Chief Executive, who  
556 shall have five (5) calendar days from the date of receipt to either sign the bill into  
557 law, or veto the bill and return it to the Band Assembly with a written veto message  
558 containing ~~the~~ his objections to the bill. In the event the Chief Executive neither signs

559 the bill nor vetoes it, it shall become law without the Chief Executive's signature  
560 after the expiration of five (5) calendar days from date of receipt of the bill.

- 561
- 562 (d) The Clerk of the Band Assembly shall certify the date and time that each bill has been  
563 forwarded to the Chief Executive for his action. This date shall be utilized to  
564 determine the appropriate five (5) calendar day time period found in subsection (c).  
565
- 566 (e) Any bill which has been vetoed and returned by the Chief Executive shall have a  
567 compromise hearing within five (5) calendar days of the return. Failure of the Band  
568 Assembly to act within the five (5) calendar days shall halt further action on said bill  
569 for one-hundred eighty (180) calendar days. Should the Band Assembly hold a  
570 compromise hearing with the Chief Executive within the allocated time, fifteen (15)  
571 calendar days shall be available to negotiate an agreement for the bill's passage into  
572 law. Should an agreement not be concluded within the allotted time, further action on  
573 the bill is precluded for one-hundred eighty (180) calendar days from said date.  
574 Appropriation bills shall be excluded from the above time schedule.  
575
- 576 (f) An appropriation bill which has been returned by the Chief Executive shall have a  
577 compromise hearing within three (3) calendar days of the return to the Band  
578 Assembly. Negotiations shall commence with the Chief Executive on the fourth  
579 calendar day thereafter and shall continue until a compromise has been achieved.  
580 During this time the Band Assembly is precluded from adjourning.  
581
- 582 (g) A veto by the Chief Executive is a total veto of the entire bill. Sectional vetoes shall  
583 be prohibited pursuant to the provisions of this section.  
584

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

#### 586 **Source:**

587 Band Statute 1141-MLC-2, § 17.  
588

#### 589 **Cross References**

590 Approval of laws by Tribal Executive Committee, *see* Const. Art. 15, § 3.  
591 Chief Executive's powers and duties, *see* 4 MLBS § 6.  
592 Great Lakes Indian Fish and Wildlife Compact withdrawal, *see* 2 MLBS § 1157.  
593 Land consolidation, applicability of federal law and regulations, *see* 21 MLBS § 104.  
594 Review of laws by Secretary of Interior, *see* Const. Art. 15, § 2.  
595 Violation of approved Tribal Ordinance, *see* 24 MLBS § 1211.  
596  
597  
598  
599

#### 600 **§ 187. Annulment of Commissioner's Orders and Opinions of Solicitor General.**

601  
602 The Band Assembly shall have five (5) calendar days from the date of receipt of such order or  
603 opinion to submit notice of its intent to annul any Commissioner's Order or the Opinion of the  
604 Solicitor General. Said notice shall be directed to the attention of the Chief Executive and the  
605 appropriate Commissioner and/or Solicitor General. Within ten (10) consecutive days thereafter,

606 the Band Assembly shall hold a hearing on the proposed annulment of the Commissioner's  
607 Order or the Opinion of the Solicitor General. At such hearing the appropriate Commissioner or  
608 the Solicitor General shall appear before the Band Assembly to justify the particular  
609 Commissioner's Order or Opinion of the Solicitor General. The Band Assembly, within five (5)  
610 consecutive days after said hearing, may act to either accept the said Commissioner's Order or  
611 Opinion of the Solicitor General; or act to annul, in whole or in part, the particular  
612 Commissioner's Order or Opinion of the Solicitor General.

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

614  
615  
616 **Source:**

617 Band Statute 1141-MLC-2, § 19.

#### 618 **Cross References**

619  
620  
621 Commissioner of Corporate Affairs, Commissioner's Orders, *see* 16 MLBS § 6.

622 Commissioner's Orders, *see* 4 MLBS § 7

623 Opinions of Solicitor General, *see* 4 MLBS § 18.

#### 624 625 626 **§ 198. Appropriation Bills.**

627  
628 Should the Band Assembly fail to pass an appropriation bill before the start of the Band's  
629 biennium or should said bill be vetoed by the Chief Executive, all fiscal operations of the Band  
630 shall cease as of midnight of the last day of the biennium, unless the Band Assembly adopts a  
631 continuing resolution prior to such time.

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

633  
634  
635 **Source:**

636 Band Statute 1141-MLC-2, § 20.

637 Band Ordinance 23-99, §§ 2, 3.

#### 638 **Cross References**

639  
640  
641 Preparation and submission of budget requests, *see* 4 MLBS § 3.

#### 642 643 644 **§ 2019. Fiscal Year.**

645  
646 The fiscal year of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~ Non-Removable  
647 Mille Lacs Band of Ojibwe shall be October 1 through September 30 of each calendar year.

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

649  
650  
651 **Source:**

652 Band Statute 1141-MLC-2, § 20.01.

654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701

**§ 210. Petitions of Members of Band.**

The Band Assembly shall pass no law or legislative order which abridges the rights of the membership to petition the Band Assembly on matters of the Band government.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 21.

**§ 221. Legislative Privilege.**

No member of the Band Assembly shall be subject to suit or criminal prosecution brought against him or her for acts performed and remarks made in any session of the Band Assembly. This shall not, however, preclude judicial review in a proper case, of the constitutionality or legality of acts and decisions taken by the Band Assembly.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 22

**§ 232. Assembly Powers of Inquiry.**

- (a) The Band Assembly shall have the power to hold Hearings of Inquiry on any issue affecting the general welfare of the Band or its members. Said power shall include the power to issue subpoenas and cause them to be served and enforced, and the power to impound records or documents that will aid the Band Assembly in fulfilling its responsibility to the members of the Band.
- (b) All official Hearings of Inquiry of the Band Assembly shall be held according to 4 MLBS §§ 13 and 14.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 23.

**§ 243. Multi-Topic Bills.**

The Band Assembly may pass any bill with many topics and ~~said~~ shall not be limited to one topic for any one bill.

**Historical and Statutory Notes**

702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748

**Source:**

Band Statute 1141-MLC-2, § 24.

**§ 254. Joint Session of Band Assembly.**

- (a) The Joint Session of the Band Assembly may be convened for the purpose of considering removal of members and officers as prescribed in Article X of the Constitution of the Minnesota Chippewa Tribe. Vacancies on the Band Assembly shall also be filled by appointment of the Joint Session of the Band Assembly. Appointees shall serve until the next election prescribed by the Election Ordinance Number 4. The Joint Session of the Band Assembly may be convened only by the Speaker of the Assembly. In the event that the Speaker of the Assembly shall refuse to convene the Joint Session of the Band Assembly under extraordinary circumstances, the remaining four members of the Joint Session of the Band Assembly may convene said session by presenting to the Speaker of the Assembly a notice of intent to hold said meeting and describing the time and place for said meeting.
- (b) The membership of the Joint Session of the Band Assembly shall be the Speaker of the Assembly, who shall preside, the District One Representative, the District Two Representative, the District Three Representative, and the Tribal Chairman/Chief Executive.
- (c) Except as specifically authorized by any provision of the Constitution of the Minnesota Chippewa Tribe, the Joint Session of the Band Assembly shall take no action which serves to undermine or encroaches upon the distribution of the authority of the Band as found in Titles 1 to 5 of the Mille Lacs Band Statutes ~~Annotated~~.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 25.

**Cross References**

- Division of powers, *see* 2 MLBS § 3.
- Functions of government authority, *see* 2 MLBS § 4.
- Powers and duties of Chief Executive, *see* 4 MLBS § 6.

**§ 265. Removal of Elected Officials or Appointees.**

- (a) The Joint Session of the Band Assembly shall have powers of impeachment over popularly-elected officials of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~ Non-Removable Mille Lacs Band of Ojibwe, as well as appointees of the



749 Chief Executive as stated and defined in Title 4 of the Mille Lacs Band Statutes  
750 ~~Annotated~~. The cause of removal shall be as found in Article X, Section 2, of the  
751 Constitution of the Minnesota Chippewa Tribe. All removal proceedings of the Joint  
752 Session of the Band Assembly shall be made in concert with the provisions of Article  
753 X, Section 3 of the Constitution of the Minnesota Chippewa Tribe.  
754

755 (b) On matters of removal, the Speaker of the Assembly shall have one (1) vote and the  
756 Chief Executive shall have one (1) vote. A two-thirds majority vote of the Joint  
757 Session of the Band Assembly shall be required to remove any popularly-elected  
758 officer of the Band.  
759

760 (c) No popularly-elected official of the Joint Session of the Band Assembly shall vote on  
761 any issue related to removal of said officer in which that officer is the topic of the  
762 removal proceedings.  
763

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

##### 765 **Source:**

766 Band Statute 1141-MLC-2, § 26.  
767  
768

#### 769 **Cross References**

770  
771 Commissioner for corporate Affairs, removal from office, *see* 16 MLBS § 3.  
772 Consolidated Nay-Ah-Shing School Board, removal from office, *see* 9 MLBS § 6.  
773 Court of Appeals Justices, removal for cause, *see* 5 MLBS §§ 5, 11.  
774 District Court Judge, removal for cause, *see* 5 MLBS §§ 7, 10, 11.  
775 Employee Credit Union, Board of Directors, terms and removal, *see* 17 MLBS § 4.  
776 Recall of appointed officials, *see* 4 MLBS § 15.  
777  
778

#### 779 **§ 276. Elections.**

780  
781 The Joint Session of the Band Assembly shall have the power to call an election at any time;  
782 however, elections established under Article IV, Section 1 of the Constitution and By-Laws of  
783 the Minnesota Chippewa Tribe shall be held when directed by the two-thirds majority vote of  
784 the Tribal Executive Committee of the Minnesota Chippewa Tribe. Upon the official action of  
785 the Joint Session of the Band Assembly or the Tribal Executive Committee, the Chief Executive  
786 shall cause to have prepared and distributed an official Writ of Election.  
787

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

##### 789 **Source:**

790 Band Statute 1141-MLC-2, § 27.  
791  
792

#### 793 **§ 287. Legislative Orders.**

794  
795

- 796 (a) The Band Assembly of the ~~Non-Removable Mille Lacs Bands of Chippewa~~  
797 ~~Indians~~Non-Removable Mille Lacs Band of Ojibwe may issue Legislative Orders on  
798 any subject matter within the Legislative Branch of government pursuant to authority  
799 conferred by this Title and the Constitution of the Minnesota Chippewa Tribe. Any  
800 said Legislative Order shall be authorized by a majority vote of the members of the  
801 Band Assembly. All members of the Band Assembly, as well as the Speaker of the  
802 Assembly, shall affix their signatures to any said Legislative Order, however, the  
803 failure of one or two members of the Band Assembly to countersign any Legislative  
804 Order shall not invalidate the Order provided it is passed by a majority vote of the  
805 Band Assembly under its rules of procedure.  
806
- 807 (b) All said Legislative Orders shall be consecutively numbered and bear the signature of  
808 the Solicitor General as to form and execution and have the official seal of the Band  
809 affixed thereto.  
810
- 811 (c) The Clerk of the Band Assembly shall be responsible for safe keeping of original  
812 copies of all Legislative Orders. All Legislative Orders shall have the full force of law  
813 of the ~~Mille Lacs Bands~~Band until amended or repealed. The Clerk of the Band  
814 Assembly shall produce and distribute all Legislative Orders within twenty-four (24)  
815 hours after formal enactment of the Band Assembly.  
816

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

818  
819 **Source:**

820 Band Statute 1141-MLC-2, § 28.  
821

822  
823 **§ 298. Style of Laws.**  
824

825 The style of laws of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~Non-Removable  
826 Mille Lacs Band of Ojibwe shall be: "Be it enacted by the Band Assembly of the Non-  
827 Removable Mille Lacs Bands of Ojibwe~~Chippewa Indians~~." And no laws shall be enacted  
828 except by bill.  
829

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

831  
832 **Source:**

833 Band Statute 1141-MLC-2, § 29.  
834

835  
836 **§ 30. Effective Date for Bills, Orders, and Resolutions.**  
837

- 838 (a) If a Bill does not have an effective date, the effective date shall be immediately upon  
839 a majority vote of the Band Assembly and either the signature of the Chief Executive  
840 or the absence of action by the Chief Executive as prescribed in § 17(c).  
841

842 (b) If a Legislative Order does not have an effective date, the effective date shall be  
843 immediately upon a majority vote of the Band Assembly.

844  
845 (c) If a Secretarial Order does not have an effective date, the effective date shall be  
846 immediately upon the signature of the Secretary-Treasurer.  
847

848 **§ 31 29. Interpretation of Title.**  
849

850 Should there be any doubt as to the proper interpretation of any part of this title, or of 2 MLBS  
851 Chapter 1, the Speaker of the Assembly or the Band Assembly as an entity may submit such  
852 question to the Solicitor General, who shall give ~~his or her~~ written Opinion thereon, and such  
853 Opinion shall be binding unless annulled in whole or in part, by the Court of Central  
854 Jurisdiction, or amended by the Band Assembly pursuant to the enactment of the law. The  
855 Exterior Legal Counsel of the Band shall, on request, assist the Solicitor General in the proper  
856 interpretation of this or any other Band statute upon official request of the Band Assembly.  
857

858 **Historical and Statutory Notes**  
859

860 **Source:**

861 Band Statute 1141-MLC-2, § 32.  
862

863 **Cross References**  
864

865 Legal counsel, *see* 4 MLBS § 16.  
866  
867

868 **§ 320. Construction of Title.**  
869

870 The Solicitor General or the Exterior Legal Counsel and the Court of Central Jurisdiction,  
871 whichever is applicable, shall liberally construe the provisions of this title, or of 2 MLBS  
872 Chapter 1, so as to provide for the full force and effect of the purposes therein stated.  
873

874 **Historical and Statutory Notes**  
875

876 **Source:**

877 Band Statute 1141-MLC-2, § 33.

Ordinance XX-21  
(Band Assembly Bill 19-03-XX-21)

Introduced to the Band Assembly on this  
Twenty-eighth day of April in the year  
Two thousand twenty-one.

Passed by the Band Assembly on this  
Twenty-eighth day of April in the year  
Two thousand twenty-one.

\_\_\_\_\_  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: \_\_\_\_\_

\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**