

Act 11-23

An Act amending Section 4 of Title 4 of the Mille Lacs Band Statutes to ensure continuity in vital executive officer positions of Band government by providing a timeline in which the Chief Executive shall make a nomination for any vacant Commissioner position and establishing an alternative process should the Chief Executive choose not to nominate individuals to fill vacant Commissioner positions, which are responsible for overseeing numerous employees and government programs, because a full cabinet of executive officers ensures effective delivery of essential services to Band members.

The District I Representative introduced the following Bill on the 8th day of March, 2023.

Pursuant to 3 MLBS § 17(a), a formal public hearing regarding this bill was held on November 2, 2022, and the draft bill was thereafter posted for ten (10) calendar days.

BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:

Section 1. Amending Section 4 of Title 4 of Mille Lacs Band Statutes.

§ 4. Executive Officers.

- (a) **Generally.** The executive officers of the Non-Removable Mille Lacs Bands of Chippewa Indians shall consist of the Chief Executive, Commissioner of Administration, Assistant Commissioner of Administration, Commissioner of Natural Resources, Commissioner of Education, Commissioner of Corporate Affairs, the Commissioner of Human Services, and Commissioner of Community Development.
- (b) **Vacancies.** In the event of a vacancy in any executive officer position, the Chief Executive shall submit to the Band Assembly a nominee to serve in said position within sixty (60) calendar days of the occurrence of said vacancy.
- (1) If the Chief Executive does not submit to the Band Assembly a nominee to serve in said vacant position within sixty (60) calendar days, the Band Assembly may act to fill said position by majority vote.
 - (2) If any nominee of the Chief Executive is not confirmed by the Band Assembly or withdraws from consideration, the Chief Executive shall have the remainder of the sixty (60) calendar days available under paragraph (1) or thirty (30) calendar days, whichever is longer, to submit to the Band Assembly a nominee to serve in said position and, if no such nomination is made within the prescribed period, the Band Assembly may act to fill said position by majority vote.

EFFECTIVE DATE. This bill shall become effective immediately upon enactment.

Act 11-23

(Band Assembly Bill 20-03-11-23)


Introduced to the Band Assembly on this
Eighth day of March in the year
Two thousand twenty-three.

Passed by the Band Assembly on this
Eighth day of March in the year
Two thousand twenty-three.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: 03/17/2023


Melanie Benjamin, Chief Executive

VETO

OFFICIAL SEAL OF THE BAND



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

March 15, 2023

VIA DELIVERY AND EMAIL

Band Assembly
Non-Removable Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Re: Veto of Bill 20-03-11-23 (Act 11-23)

Dear Honorable Members of the Band Assembly:

In accordance with the powers vested in me by Title 4, I veto Bill 20-03-11-23 (Act 11-23) because it violates division of powers.

Title 2 states “[t]he three functions of our Band government shall be executive, legislative, and judicial.” The power to appoint an executive officer is an executive function. I will not sign any bill which grants the Band Assembly any executive functions. As a general principle, I will not sign any bill that otherwise fundamentally alters our government’s division of powers by giving one branch of government a function that properly belongs to another branch.

Further, on December 22, 2022, I sent a letter to the Band Assembly sharing my views of the draft legislation. I also submitted my proposed revisions to the draft for your consideration, and invited any Member of the Assembly to meet with me to discuss my rationale for these recommended changes.

I have invited the District Representatives on numerous occasions to discuss suitable nominees for vacant executive officer positions, but only one Representative has been willing to participate in those discussions with me. I am glad those discussions have occurred and am hopeful they will lead to continued productive discussions in other areas in the future. Right now, only the Commissioner of Community Development position remains vacant. I will not discuss any language that proposes to give the Band Assembly an executive function at the compromise hearing, but I am willing to discuss suitable nominees with the Band Assembly at the compromise hearing.

Sincerely,

Melanie Benjamin
Chief Executive

cc: Darcie Big Bear, Parliamentarian

Enc: Bill 20-03-11-23 (Act 11-23)

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