

Act 43-24

An Act amending Title 17, chapter 1 to update the Revolving Loan Fund language and remove the Loan Committee.

The District III Representative introduced the following Bill on the 1st day of August, 2024.

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

Section 1. Amending Title 17, Chapter 1.

CHAPTER 1

REVOLVING LOAN FUND

Section

- 1. Reservation of Right Amendment.**
- ~~2.—Retrospective Law.~~**
- ~~3.—Loan Committee Establishment and Purpose.~~**
- ~~4.—Committee Membership, Terms of Office and Salary.~~**
- ~~5.—Officers.~~**
- ~~6.—Loan Committee Meetings.~~**
- ~~7.2. Policies.~~**
- ~~8.—Powers and Duties of the Board.~~**
- 3. Powers and Duties of the Office of Management and Budget.**
- 9.4. Powers and Duties of the Commissioner of Finance.**
- ~~10.5. Reports and Audits.~~**
- 11.6. Suspension and Operation.**
- ~~12.7. Court of Central Jurisdiction~~**Sovereign Immunity.****
- ~~13.8. Solicitor General Obligation.~~**
- 14.9. Fund Authorization.**

§ 1. Reservation of Right of Amendment.

The Band Assembly hereby fully reserves the right to alter, amend or repeal the several provisions of this Chapter, and all rights and privileges granted or extended hereunder shall be subject to such reserved right.

§ 2. Retrospective Law.

~~This Chapter shall apply retroactively to all previous loans disbursed.~~

§ 3. Loan Committee Establishment and Purpose.

- (a) ~~— The Loan Committee is hereby established for the purpose of consulting with, advising and making recommendations to the Secretary-Treasurer and Band Assembly in all matters pertaining to the loan policy.~~
- (b) ~~— The authority and responsibility of the Loan Committee shall be to report the Secretary-Treasurer and Band Assembly on problems concerning loans to Band members and to foster the interest and cooperation of the all concerned parties on improving their methods of operations.~~

§ 4. Committee Membership, Terms of Office and Salary.

- (a) ~~— Existing Loan Committee members shall serve terms until September 30, 1998.~~
- (b) ~~— Effective October 1, 1998, the Loan Committee shall consist of six members who shall be nominated by the Chief Executive and confirmed by the Band Assembly~~
- (c) ~~— The Band Assembly shall submit a list of not less than seven (7) names to the Chief Executive who shall nominate six (6) from amount them to the Band Assembly for ratification. Staggered terms for the six (6) board members shall be as follows:~~
 - (1) ~~— Three at-large board members shall initially serve two (2) year terms expiring on September 30, 2000.~~
 - (2) ~~— Following the expiration of the two (2) year terms the at-large board members shall then serve four (4) year terms expiring September 30, 2004, and every four (4) years hence.~~
 - (3) ~~— The three (3) board members from the respective districts shall serve four (4) year terms expiring September 30, 2002, and every four (4) years hence.~~

- (d) ~~The Board shall be subject to removal of members pursuant to 4 MLBS § 15.~~
- (e) ~~Board members of the Loan Committee may receive travel reimbursement and stipends for meetings attended no inconsistent with a Commissioner's Order from the Commissioner of Finance.~~

§ 5. Officers.

~~The Chair and Secretary of the Loan Committee shall be elected annually by and from the members thereof.~~

§ 6. Loan Committee Meetings.

- (a) ~~Meetings may be called by the Chair of the Loan Committee. Four members of the Loan Committee shall constitute a quorum.~~
- (b) ~~The Secretary shall ensure accurate record keeping of all meetings and transcripts thereof. Such records shall be prima facie evidence of the facts therein. Minutes shall be approved by the Loan Committee and signed by the Chair of the Loan Committee at the next loan meeting.~~
- (c) ~~Minutes shall be forwarded to Band Assembly and the Chief Executive within two weeks of their approval.~~

§ 27. Policies.

Band Assembly shall ratify the policies for the Revolving Loan Fund.

§ 8. Powers and Duties of Board.

~~The Mille Laes Band of Ojibwe Loan Committee shall have the following powers:~~

- (a) ~~To act on and approve applications for loans.~~
- (b) ~~To recommend amendments to the Loan policies to Band Assembly.~~
- (c) ~~To fill vacancies in the Loan Committee until successors are nominated by the Chief Executive and confirmed by the Band Assembly.~~
- (d) ~~To approve loan applications of Loan Committee members subject to the concurrence of the Secretary-Treasurer.~~

- ~~(e) — In furtherance of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of specific powers contained herein, to have all the powers enumerated, authorized and permitted by this Chapter and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the Loan Committee.~~

§ 39. Powers and Duties of the Office of Management and Budget.

- ~~(a)~~ The Office of Management and Budget shall have the responsibility to administer the Revolving Loan Fund for the Mille Lacs Band of Ojibwe.
- ~~(b)~~ The Office of Management and Budget shall have the responsibility to consult with, advise, and make recommendations to the Secretary-Treasurer and Band Assembly in all matters pertaining to the loan policy.
- ~~(a)(c)~~ The Office of Management and Budget shall have the responsibility to report to the Secretary-Treasurer and Band Assembly on problems concerning loans to Band members and to foster the interest and cooperation of all concerned parties on improving their methods of operations.
- ~~(b)(d)~~ The Office of Management and Budget may contract with lending institutions for the purpose of loan servicing.
- ~~(e)~~ — The Office of Management and Budget shall be responsible for initiating all delinquent loan proceedings.
- ~~(e)~~ The Office of Management and Budget shall make the Revolving Loan Fund policies available to all loan applicants as part of the application documents.

§ 4. Powers and Duties of the Commissioner of Finance.

- ~~(a)~~ To designate a loan specialist within the Office of Budget and Management who shall:
- ~~(1)~~ approve or deny the loan applications in accordance with this Chapter and Revolving Loan Fund policy, or
 - ~~(2)~~ seek additional information from the loan applicant required to approve or deny the application, and then, once the information is acquired, approve or deny the application in accordance with this Chapter and Revolving Loan Fund policy.

- (b) In furtherance of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of specific powers contained herein, to have all the powers enumerated, authorized and permitted by this Chapter and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the Revolving Loan Fund.
- (c) To approve loan applications of the loan specialist and Commissioner of Finance subject to the concurrence of the Secretary-Treasurer.
- (d) To consider appeals from loans denied by a loan specialist in accordance with this Chapter and Revolving Loan Fund policy. Appeals decisions by the Commissioner of Finance are final; the Court of Central Jurisdiction lacks jurisdiction to consider such appeals.

§ 510. Reports and Audits.

The Office of Management and Budget shall annually file a report to the Chief Executive and Band Assembly for the purpose of giving such relevant information as may be required concerning the ~~Loan Committee~~ Office of Budget and Management during the preceding year, although from time to time additional reports may be required. The Revolving Loan Fund shall be reviewed as part of the annual audit of the Mille Lacs Band of Ojibwe. A copy of the audit shall be forwarded to the Chief Executive and Band Assembly within sixty days after the completion of the audit.

§ 611. Suspension of Operation.

- (a) Whenever the Band Assembly finds that the Loan Committee is engaged in unsafe or unsound practices in overseeing the Loan Fund or has knowingly or negligently permitted any of its committee members or employees to violate any material provision of any law, bylaw or regulation to which the Loan Fund is subject, the Band Assembly may suspend operation of the Loan Fund. If the Band Assembly or Secretary-Treasurer finds that the Office of Management and Budget is engaged in unsafe or unsound practices in overseeing the Revolving Loan Fund or has knowingly or negligently permitted violations of any material provision of any law or policy to which the Loan Fund is subject, the Band Assembly or Secretary-Treasurer may:
 - (1) order the immediate suspension of Revolving Loan Fund operations by giving written notice to the Office of Management and Budget in accordance with this section, or
 - (2) submit a written notice with respect to practices or violations for the purpose of investigation and review so that the Office of Management and Budget may have a reasonable time within which to correct any deficiencies. If

corrections are not made within the time stated in the notice, the Band Assembly or Secretary-Treasurer, by written notice to the Office of Management and Budget, may suspend the operation of the Revolving Loan Fund in accordance with this section.

- (a)(b) A notice of suspension to the Office of Management and Budget shall include a list of reasons for said suspension and a list of any specific violations of law or policy, and shall specify which operations, if any, may be continued during the period of suspension. The notice shall also fix a time and place for a hearing before the Band Assembly.
- (b) ~~The hearing shall be held within thirty calendar days of the notice of suspension. Evidence may be produced at such hearing by any party thereto. The decision as to the continued suspension of operations of the Loan Fund shall be based upon the evidence presented and shall be made by the Band Assembly. If the Band Assembly, by formal action, decides to continue suspension after a hearing, it shall give written notice to the Office of Management and Budget. The Secretary-Treasurer, after formal action of the Band Assembly may suspend the operation of the Loan Fund by giving written notice to the Loan Committee. The notice shall include a list of reasons for said suspension and a list of any specific violations of law, bylaw or regulation and shall specify which operations, if any, may be continued during the period of suspension. The notice shall also fix a time and place for a hearing before the Band Assembly. The hearing shall be held within thirty calendar days of the notice of suspension. Evidence may be produced at such hearing by any party thereto. The decision as to the continued suspension of operations of the Loan Fund shall be based upon the evidence presented. If the Band Assembly, by formal action, decides to continue suspension, they shall give written notice to the Loan Committee.~~
- (c) ~~In lieu of the immediate suspension of the operation of the Loan Fund, the Secretary-Treasurer may submit a written notice with respect to practices or violations for the purpose of investigation and review so that the Loan Committee may have a reasonable time within which to correct any deficiencies. If corrections are not made within the time stated in the notice, the Band Assembly, by formal action, may suspend the operation of the loan fund in accordance with this section.~~

§ 712. Court of Central Jurisdiction Sovereign Immunity.

The Court of Central Jurisdiction is hereby granted exclusive original jurisdiction for any cause of action which arises from this Chapter or operations of the loan fund. Nothing in this chapter shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe in any court of competent jurisdiction or other forum.

§ 813. Solicitor General Obligation.

The Solicitor General ~~may~~ shall represent the interest of the ~~Loan Committee~~ Office of Management and Budget in any matter before the Court of Central Jurisdiction.

§ 914. Fund Authorization.

The Band Assembly hereby authorizes a maximum of \$650,000 for the Revolving Loan Fund. These funds shall remain reserved in the general fund to provide for the operations of the Revolving Loan Fund. Monies generated from loan repayments shall be paid over to the Office of Management and Budget and shall be credited to the Revolving Loan Fund account. Interest generated from loans shall be credited to the Revolving Loan Fund account. These funds shall be expended solely for additional Revolving Loan Fund loans, pursuant to this chapter and the Revolving Loan Fund policy. Revolving Loan Fund monies shall carry forward without re-appropriation. The Revolving Loan Fund account shall not be dissolved without amendment of this Chapter. In the event the fund is dissolved by official action, all remaining funds in the account shall be deposited into the Band's long-term savings.

~~The Band Assembly hereby authorizes a maximum of \$650,000 for the Revolving Loan Fund. These funds shall remain reserved in the general fund to provide for the operations of the Revolving Loan Fund.~~

**Act 43-24
(Band Assembly Bill 21-02-43-24)**

Introduced to the Band Assembly on this
First day of August in the year
Two thousand twenty-four.

Passed by the Band Assembly on this
First day of August in the year
Two thousand twenty-four.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: 8-8-24


Virgil Wind, Chief Executive

OFFICIAL SEAL OF THE BAND

