

Act 79-22

An Act amending sections 1, 2, 4, 5, 7, 8, 9, 13, 16, 17, 18, 19, 20, 22, 24, 25, 27, 28, 30, 31, 33, and 34 of Title 3 of the Mille Lacs Band Statutes ("MLBS") to make grammatical, stylistic, and typographical corrections and to amend timeframes for passage of laws and annulment of Commissioner's Orders and Opinions of the Solicitor General.

The District I Representative introduced the following Bill on the 21st day of September, 2022.

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

Section 1: Amending subsection (q) of § 1 of Title 3 of Mille Lacs Band Statutes.

- (q) "Special Session" means a meeting held outside of the normal legislative session. A special session is called pursuant to 3 MLBS § 7 ~~of this Title~~.

Section 2. Amending subsection (b) of § 2 of Title 3 of Mille Lacs Band Statutes.

- (b) The Secretary-Treasurer shall be the leader of the Band Assembly. The Secretary-Treasurer shall exercise ~~his/her~~ his legislative duties under the title "Speaker of the Assembly." The Secretary-Treasurer shall exercise ~~his/her~~ his financial duties under the title "Secretary of Treasury."

Section 3. Amending § 4 of Title 3 of Mille Lacs Band Statutes.

§ 4. Initiative and Referendum.

- (a) The legislative authority of the ~~Non-Removable Mille Lacs Band of Ojibwe~~ is vested in the Band Assembly, but there is reserved to the people the power to propose bills and laws and to enact or reject the same at the polls, independent of the Band Assembly and at their own option, to approve or reject at the polls any item, section, or part of any bill or law passed by the Band Assembly, subject to election regulations promulgated by the Band Assembly.
- (b) The power of the people to approve or reject at the polls any item, section, or part of any bill or law passed by the Band Assembly shall be exercised by filing a petition with the Secretary-Treasurer, signed by at least five percent (5%) of the Band members entitled to vote in tribal elections based on the total number of registered voters at the last preceding tribal election, within 20 calendar days after the passage of such bill or law. Newly enacted bills and laws shall be posted in each district within five (5) calendar days of enactment and shall remain posted until 20 calendar

days have passed after enactment. The same petition requirements, excluding the 20-day limitation, shall apply to the power of the people to propose new bills and laws. An election regarding such initiative or referendum shall be held within 30 calendar days after the filing of the petition.

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

Section 4. Amending § 5 of Title 3 of Mille Lacs Band Statutes.

§ 5. Band Assembly Members.

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

Section 5. Amending § 7 of Title 3 of Mille Lacs Band Statutes.

§ 7. Powers and Duties of Speaker of Assembly.

- (a) The Speaker of the Assembly shall be the leader of the Legislative Branch of Government and have the following authority in exercising said authority of government:
 - (1) to convene the Band Assembly subject to 3 MLBS §§ 18 and 19. In the event that he or she shall fail to do so upon request of any two District Representatives, the Band Assembly may be convened after 48 hours' notice by any member of the Band Assembly;
 - (2) to be considered as a member of the Band Assembly for purposes of establishing a quorum;
 - (3) to require the prompt recording of the Band Assembly's acts and deeds;
 - (4) to schedule all special hearings of the Band Assembly upon request of any two District Representatives;
 - (5) to have the powers of authorization for issuance of all subpoenas and official documents on behalf of the Band Assembly; and
 - (6) to maintain order in all sessions of the Band Assembly.

- (b) The Speaker of the Assembly shall not be a voting member of the Band Assembly.

Section 6. Amending § 8 of Title 3 of Mille Lacs Band Statutes.

§ 8. Powers and Duties of Secretary-Treasurer.

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

- (a) to superintend and manage all fiscal operations, planning, and budgeting of the ~~Non-Removable Mille Laes Band of Ojibwe~~ as authorized by the Band Assembly;
- (b) to enforce on behalf of the Band, all judgments and claims rendered in its favor;
- (c) to receive and receipt for all monies paid into the Band treasury and safely keep the same until lawfully disbursed by formal appropriation;
- (d) to have powers of investigations of financial irregularity;
- (e) to require the production of such books, accounts, documents and property under any lawful financial inquiry in all things that will aid ~~him/her~~ or him in the performance of ~~his/her~~ or his duties;
- (f) to levy, impound or attach any financial account of the ~~Non-Removable Mille Laes Band of Ojibwe~~ or any political subdivision thereof to prevent serious financial jeopardy or acts in violation of law. This authority shall not be exercised to contravene any lawful acts of the Band Assembly;
- (g) to issue Secretarial Orders to implement decisions concerning matters of the fiscal affairs of the Band consistent with the powers herein delegated. Such written orders shall be in uniform format, numbered consecutively, and have expiration dates;
- (h) to nominate, in conjunction with the Chief Executive, a suitable person to act as the Commissioner of Finance;
- (i) ~~the Secretary-Treasurer shall~~to post a fidelity bond in favor of the ~~Non-Removable Mille Laes Band of Ojibwe~~ in an amount satisfactory to the Band Assembly; and
- (j) ~~the Secretary-Treasurer shall~~to coordinate with the Commissioner of Finance for the Office of Management and Budget, to ensure that financial planning and operations are consistent.

Section 7. Amending § 9 of Title 3 of Mille Lacs Band Statutes.

§ 9. Powers and Duties of District Representatives.

- (a) The District Representatives shall have the following individual authority in the exercise of legislative powers of Band government:
 - (1) ~~t~~To introduce into the Band Assembly appropriate bills promoting the general welfare of the people for enactment into the laws of the Band;
 - (2) ~~t~~To establish district committees within their respective districts for the purpose of aiding them in the performance of their legislative duties;
 - (3) ~~t~~To chair public hearings on any proposed law within their appropriate district;
 - (4) ~~t~~To attend all sessions of the Band Assembly when called upon by the Speaker of the Assembly. The failure to attend any session of the Band Assembly shall require the official consent of the Band Assembly in order to consider said absence as excused;
 - (5) ~~t~~To represent the community interests of the district from which the Representative was elected. The Representative shall exercise this duty fairly and impartially in order to promote the general welfare of all district residents;
 - (6) ~~t~~To authorize the use of district community centers according to written standards that are fair and reasonable;
 - (7) ~~t~~To comply with the provisions of the oath of office of a District Representative;
 - (8) ~~t~~To refrain from the disclosure or distribution of any privileged or confidential information or documents that may come into their possession as a result of their office; and
 - (9) ~~t~~To perform all legislative and other duties as may be assigned by the Speaker of the Assembly or the Band Assembly.

- (b) No popularly-elected District Representative to the Band Assembly shall exercise any of the authority properly belonging to either the Executive or Judicial branches of government or to any officer who is appointed to serve the ~~Non-Removable Mille Lacs Band of Ojibwe~~.

Section 8. Amending § 13 of Title 3 of Mille Lacs Band Statutes.

§ 13. ~~Membership of Band Assembly~~ Vacancies.

Any vacancy in a popularly elected official position on the Band Assembly must be filled in accordance with the Election Ordinance most recently adopted by the Minnesota Chippewa Tribe. The Band Assembly shall be defined as all popularly elected or appointed members, in the case of vacancies that may be filled pursuant to the provisions of the Minnesota Chippewa Tribal Election Ordinance Number 4. The Chief Executive shall not be a member of the Band Assembly.

Section 9. Amending § 16 of Title 3 of Mille Lacs Band Statutes.

§ 16. Compensation.

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

Section 10. Amending § 17 of Title 3 of Mille Lacs Band Statutes.

§ 17. Passage of Laws.

- (a) The 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~~. The Band Assembly may conduct formal public hearings on any or all other bills at their discretion. Formal public hearings shall be held in all appropriate districts of the Band's Reservation, or alternatively by live-stream or other similar media broadcast, prior to the time that the Band Assembly seeks to formally act upon said bill. Additionally, each bill shall be posted on the Tribal Register in a conspicuous location for ten (10) calendar days after said bill has been introduced at a formal public hearing and must be available at all times upon request by any enrolled Band member. This provision shall not apply to any bill on which no formal public hearing has been held.
- (b) A majority vote of the three (3) District Representatives shall be required for the passage of each bill.
- (c) After the formal action of the Band Assembly, no later than ~~seventy-two (72)~~ seventy-two (72) hours after said action, each bill shall be presented personally delivered to the Chief Executive, who shall have five (5) ~~business~~ calendar days from the date of receipt to either sign the bill into law; or veto the bill and return it to the Band Assembly with a

written veto message containing the objections to the bill. In the event the Chief Executive neither signs the bill nor vetoes it, it shall become law without the Chief Executive's signature after the expiration of five (5) ~~business~~calendar days from date of receipt of the bill.

- (d) The Clerk of the Band Assembly shall certify the date and time that each bill has been ~~presented~~forwarded to the Chief Executive for action. This date shall be utilized to determine the appropriate five (5) ~~business~~calendar day time period found in subsection (c).
- (e) Any bill which has been vetoed and returned by the Chief Executive shall have a compromise hearing within five (5) calendar days of the return. Failure of the Band Assembly to act within the five (5) calendar days shall halt further action on said bill for 180 calendar days. Should the Band Assembly hold a compromise hearing with the Chief Executive within the allocated time, ~~15~~twenty (20) calendar days shall be available to negotiate an agreement for the bill's passage into law. Should an agreement not be concluded within the allotted time, further action on the bill is precluded for 180 calendar days from said date. Appropriation bills shall be excluded from the above time schedule.
- (f) An appropriation bill which has been returned by the Chief Executive shall have a compromise hearing within three (3) calendar days of the return to the Band Assembly. Negotiations shall commence with the Chief Executive on the fourth calendar day thereafter and shall continue until a compromise has been achieved. During this time the Band Assembly ~~is~~shall be precluded from adjourning.
- (g) A veto by the Chief Executive is a total veto of the entire bill. Sectional vetoes shall be prohibited pursuant to the provisions of this section.

Section 11. Amending § 18 of Title 3 of Mille Lacs Band Statutes.

§ 18. Legislative Sessions.

The Speaker of the Assembly shall convene two (2) legislative sessions per year. The first shall begin ~~a~~At the annual State of the Band Address on the second Tuesday of January of each calendar year running through the last week of April. The second shall begin ~~Meeting again,~~ the second week of July of each calendar year running through September 30.

Section 12. Amending § 19 of Title 3 of Mille Lacs Band Statutes.

§ 19. Special Sessions.

- (a) The Band Assembly shall meet for a special session when called on pursuant to 3 MLBS § 7 ~~of this Title~~. The Speaker of the Assembly may call a special session in

exigent circumstances. Special sessions may be requested for exigent circumstances that require Band Assembly action.

- (b) The parliamentarian shall not accept any agenda items that he or she has not received two (2) complete calendar days in advance of the upcoming special session. The parliamentarian shall publish the agenda for any upcoming special session no later than twenty-four (24) hours in advance.

Section 13. Amending § 20 of Title 3 of Mille Lacs Band Statutes.

§ 20. Annulment of Commissioner's Orders and Opinions of Solicitor General.

The Band Assembly shall have five (5) calendar days from the date of receipt of such order or opinion to submit notice of its intent to annul any Commissioner's Order or the Opinion of the Solicitor General. Said notice shall be directed to the attention of the Chief Executive and the appropriate Commissioner or Solicitor General. Within ten (10) ~~calendar~~consecutive days thereafter, the Band Assembly shall hold a hearing on the proposed annulment of the Commissioner's Order or the Opinion of the Solicitor General. At such hearing the appropriate Commissioner or the Solicitor General shall appear before the Band Assembly to justify the particular Commissioner's Order or Opinion of the Solicitor General. The Band Assembly, within five (5) ~~calendar~~consecutive days after said hearing, may act to either accept the said Commissioner's Order or Opinion of the Solicitor General or act to annul, in whole or in part, the particular Commissioner's Order or Opinion of the Solicitor General.

Section 14. Amending § 22 of Title 3 of Mille Lacs Band Statutes.

§ 22. Fiscal Year.

The fiscal year of the ~~Non-Removable Mille Lacs Band of Ojibwe~~ shall be October 1 through September 30 of each calendar year.

Section 15. Amending § 24 of Title 3 of Mille Lacs Band Statutes.

§ 24. Legislative Privilege.

No member of the Band Assembly shall be subject to suit or criminal prosecution brought against ~~him or her~~ or him 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.

Section 16. Amending § 25 of Title 3 of Mille Lacs Band Statutes.

§ 25. Assembly Powers of Inquiry.

- (a) The Band Assembly shall have the power to hold ~~h~~Hearings of ~~i~~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 ~~h~~Hearings of ~~i~~Inquiry of the Band Assembly shall be held according to rules adopted by the Band Assembly.

Section 17. Amending § 27 of Title 3 of Mille Lacs Band Statutes.

§ 27. 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~~most recently adopted by the Minnesota Chippewa Tribe. 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 ~~(4)~~ 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~~I Representative, the District ~~Two~~II Representative, the District ~~Three~~III 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.~~

Section 18. Amending § 28 of Title 3 of Mille Lacs Band Statutes.

§ 28. 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 Band of Ojibwe~~, as

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

- (b) On matters of removal, the Speaker of the Assembly shall have one (1) vote and the Chief Executive shall have one (1) vote. A two-thirds majority vote of the Joint Session of the Band Assembly shall be required to remove any popularly-elected officer of the Band.
- (c) No popularly-elected official of the Joint Session of the Band Assembly shall vote on any issue related to removal of said officer in which that officer is the topic of the removal proceedings.

Section 19. Amending § 30 of Title 3 of Mille Lacs Band Statutes.

§ 30. Legislative Orders.

- (a) The Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe may issue Legislative Orders on any subject matter within the Legislative Branch of government pursuant to authority conferred by this Title and the Constitution of the Minnesota Chippewa Tribe. Any said Legislative Order shall be authorized by a majority vote of the members of the Band Assembly. All members of the Band Assembly, as well as the Speaker of the Assembly, shall affix their signatures to each any said Legislative Order; however, the failure of one or two members of the Band Assembly to countersign any Legislative Order shall not invalidate the Order, provided it was passed by a majority vote of the Band Assembly in accordance with ~~under~~ its rules of procedure.
- (b) All said Legislative Orders shall be consecutively numbered and have the official seal of the Band affixed thereto.
- (c) The Clerk of the Band Assembly shall be responsible for safe-keeping of original copies of all Legislative Orders. All Legislative Orders shall have the full force of law of the Band until amended or repealed. The Clerk of the Band Assembly shall produce and distribute all Legislative Orders within twenty-four (24) hours after formal enactment of the Band Assembly.

Section 20. Amending § 31 of Title 3 of Mille Lacs Band Statutes.

§ 31. Style of Laws.

The style of laws of the ~~Non-Removable Mille Lacs Band of Ojibwe~~ shall be: "Be it enacted by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe." And no laws shall be enacted except by bill.

Section 21. Amending § 33 of Title 3 of Mille Lacs Band Statutes.

§ 33. Interpretation of Title.

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

Section 22. Amending § 34 of Title 3 of Mille Lacs Band Statutes.

§ 34. Construction of Title.

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


**Act 79-22
(Band Assembly Bill 20-02-79-22)**

Introduced to the Band Assembly on this
Twenty-first day of September in the year
Two thousand twenty-two.

Passed by the Band Assembly on this
Twenty-first day of September in the year
Two thousand twenty-two.


Sheldon Boyd, Speaker of the Assembly


APPROVED

Date: September 23, 2022 
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND



INTEROFFICE MEMORANDUM

TO: MELANIE BENJAMIN, CHIEF EXECUTIVE
FROM: SHELDON BOYD, SECRETARY-TREASURER 
SUBJECT: PASSAGE OF ACT WITHOUT CHIEF EXECUTIVE SIGNATURE
DATE: SEPTEMBER 27, 2022
CC: FILE
BAND ASSEMBLY



Pursuant to the powers listed in 3 MLBS § 17(c) "...each bill shall be personally delivered to the Chief Executive, who shall have five (5) calendar days from the date of receipt to either sign the bill into law, or veto the bill and return it to the Band Assembly with a written veto message containing the objections to the bill. In the event the Chief Executive neither signs the bill nor vetoes it, it shall become law without the Chief Executive's signature after the expiration of five (5) calendar days from date of receipt of the bill."

Act 79-22 was delivered to the Chief Executive Office on September 21, 2022 at 3:15 p.m. and as of September 27, 2022 at 9:30 a.m. the Act has not been returned to the Legislative Office with the Chief Executive's signature nor was there a written veto containing objections to the Act. At this time, the Act becomes law and will be processed.

INTEROFFICE MEMORANDUM

FROM: DARCIE BIG BEAR, CLERK OF THE ASSEMBLY
SUBJECT: ACT 79-22
DATE: SEPTEMBER 27, 2022
CC: FILE



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- Act 79-22 was delivered to the Chief Executive Office on September 21, 2022 at 3:15 p.m.
 - As of September 27, 2022 at 9:30 a.m. the Act has not been returned to the Legislative Office with the Chief Executive's signature nor was there a written veto containing objections to the Act.
 - A memo was emailed to the Chief September 27, 2022 at 9:38 a.m. stating that the Act would become law and processed without the Chief's signature.
 - I walked down to the Chief's Office to get the original back at around 9:40 a.m. and Aubrey Benjamin, who was sitting at the front desk, stated that Christine Pewaush was not in and she did not know where the originals were. I told her I would send an inquiry via email to Christine.
 - Chief Benjamin came down to Legislative a short time later and handed the signed Act to Brianna Boyd and stated that she signed it on the 23rd of September, 2022, and that it was in her box and she didn't know it wasn't returned.