

Ordinance 40-22

An Ordinance for an act amending Title 25 to cleanup language, add a definition, remove the requirement to print the Official Acts, and give the Revisor signatory authority to form and numbering for orders and opinions. This bill also amends Title 3 definitions and removes the Solicitor's signatory authority to form and numbering for legislative orders.

The Band Assembly conducted a formal public hearing on April 13, 2022, during a live-streamed Band Assembly meeting. The bill was then posted for ten calendar days on the Tribal Register.

The District I Representative introduced the following Bill on the 25th day of April, 2022.

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

Section 1. Amending Title 25.

§ 2. Definitions.

- (a) **“Act”** means an ordinance pursuant to 3 MLBS § 1.
- (b) **“Agency”** or **“Department”** means any division or section of the executive or legislative branches established by statute to carry out the functions of Band government, to include the departments of Administration, Athletic Regulation, Community Development, Education, Health and Human Services, Natural Resources, Gaming and Regulatory Authority, Mille Lacs Corporate Ventures, and the Office of Management and Budget.
- (c) **“Band”** means the Non-Removable Mille Lacs Band of Ojibwe.
- (d) **“Band Assembly”** means the Band's legislative branch, established pursuant to 3 MLBS § 2, and comprised of the duly elected Speaker of the Assembly and three District Representatives.
- (e) **“Chief Executive”** means the elected official who leads the Band's executive branch pursuant to 4 MLBS § 6.
- (f) **“Court”** means the Band's Court of Central Jurisdiction established pursuant to 5 MLBS § 1.
- (g) **“Legislative Session”** means the period of time, occurring twice per calendar year pursuant to 3 MLBS § 18..

- (h) **“MLBS”** means Mille Lacs Band Statutes, which is the preferred legal citation for the Laws of the Non-Removable Mille Lacs Band of Ojibwe.
- (i) **“Resolution,”** as used in this statute, means either a resolution of the Band Assembly or a resolution of the Joint Session of the Band Assembly.
- (j) **“Revisor”** means the selected official who leads the Band Revisor’s Office in accordance with this statute and is charged, among other things, with codifying new statutes in a manner consistent with the existing Band law without altering the substance of such statutes.
- (k) **“Speaker of the Assembly”** means the elected official who leads the Band’s legislative branch pursuant to 3 MLBS § 6.

§ 4. Revisor’s Powers.

- (a) **Regular staff; hiring and salaries.** The Revisor shall employ and may fix the salaries of drafters and technical, research, and clerical assistants necessary to do the work of the Revisor’s Office.
- (b) **Additional staff; contractors.** When full-time employees are not available to do the work of the office, the Revisor may contract for drafting, technical, research, or clerical services.
- (c) **Contracting.** The Revisor may enter into contracts to provide necessary services and supplies to the office.
- (d) **Limitations of powers.** The exercise of the powers set forth in subsections (a) to (c) is subject to the control of the Band Assembly.
- (e) **Contracts.** A contract shall be reviewed by the office of the solicitor general in accordance with 7 MLBS § 26(b)(2). The Band Assembly shall ratify contracts in accordance with 7 MLBS § 26(b)(4). The Revisor shall follow the procurement process in Title 7.
- (f) **Form and Numbering.** All Executive Orders, Secretarial Orders, Legislative Orders, Commissioner’s Orders, and Opinions of the Solicitor shall bear the Revisor’s signature as to form and numbering.
- (g) **Custodian of Records.** The Revisor shall be the custodian of all Executive Orders, Secretarial Orders, Legislative Orders, Commissioner’s Orders, and Opinions of the Solicitor.

§ 8. Official Acts of the Non-Removable Mille Lacs Band of Ojibwe.

No later than January 15 of each year, the Revisor shall publish on the tribal register, for the previous two legislative sessions, in a publication called “Official Acts of the Non-Removable Mille Lacs Band of Ojibwe”:

- (a) Executive Orders;
- (b) Secretarial Orders;
- (c) Commissioner’s Orders;
- (d) Legislative Orders;
- (e) Chief Justice Orders;
- (f) Solicitor’s Opinions;
- (g) acts;
- (h) resolutions; and
- (i) any new or revised department policy.

§ 9. Laws of the Non-Removable Mille Lacs Band of Ojibwe; Contents.

- (a) **Permanent required contents.** The Revisor’s Office shall publish editions of the Laws of the Non-Removable Mille Lacs Band of Ojibwe. The Laws the Non-Removable Mille Lacs Band of Ojibwe must contain the applicable constitution, all general and permanent statutes in force, and any other information the Revisor considers desirable and practicable.
- (b) **Headnotes.** The headnotes of the sections of any edition of the Laws of the Non-Removable Mille Lacs Band of Ojibwe printed in boldface type are mere catchwords to indicate the contents of the section and are not any part of the statute.
- (c) **New laws incorporated.** No later than May 1 of each year, the Revisor shall incorporate into the text of the Laws of the Non-Removable Mille Lacs Band of Ojibwe the permanent general laws enacted, with amendments made to the statutes, during the previous two legislative sessions. The Revisor shall also omit any sections expressly repealed. The Revisor shall assign appropriate chapter and section numbers to these laws and shall arrange them in proper order. After each section the Revisor shall place a source note indicating the chapter and section of the acts from which the section was derived, in addition to explanatory historical and statutory notes.
- (d) **Form and style changes.** The form and style of the Laws of the Non-Removable Mille Lacs Band of Ojibwe may be changed as necessary to improve its quality and to

permit the use of electronic data processing equipment, computer compatible media, and other related equipment in connection with its publication.

§ 10. Laws of the Non-Removable Mille Lacs Band of Ojibwe; Supplements.

If the Revisor's Office does not publish an edition of the Laws of the Non-Removable Mille Lacs Band of Ojibwe in a given year, it may publish a supplement to the Laws of the Non-Removable Mille Lacs Band of Ojibwe. The supplement must be identified by the year of publication and to the extent possible must otherwise comply with § 9 of this Title. The Revisor's Office may not use supplements for more than eight consecutive legislative sessions without also publishing an edition of the Laws of the Non-Removable Mille Lacs Band of Ojibwe in accordance with § 9 of this Title.

§ 11. Publication Powers.

- (a) **Editorial powers for statutes.** The Revisor's Office, in preparing a printer's copy for editions of statutes, may not alter the sense, meaning, or effect of any legislative act, but may:
- (1) renumber sections or subsections and parts of sections or subsections;
 - (2) change the wording of headnotes;
 - (3) rearrange sections or subsections;
 - (4) combine sections or subsections into other sections or other subsections, or both;
 - (5) divide sections or subsections into other sections or subsections so as to give to distinct subject matters a section or subsection number;
 - (6) substitute the proper section, chapter, or subsection numbers for the terms "this act," "the preceding section," and the like;
 - (7) substitute figures for written words and vice versa;
 - (8) substitute the date on which the law becomes effective for the words "the effective date of this act," and the like;
 - (9) change capitalization for the purpose of uniformity;
 - (10) correct manifest clerical, typographical, grammatical, or punctuation errors;
 - (11) correct words misspelled in bills;

- (12) change reference numbers to agree with renumbered chapters, sections, or subsections;
- (13) delete the phrases “Laws of the Non-Removable Mille Lacs Band of Ojibwe” and other phrases identifying other editions of any supplements to the Laws of the Non-Removable Mille Lacs Band of Ojibwe if the phrases are used in a reference to a statutory section;
- (14) replace gender-specific words with gender-neutral words and, if necessary, recast the sentences containing gender-specific words; and
- (15) make similar editorial changes to ensure the accuracy and utility of the publication.

§ 12. Certificate of Correctness.

In preparing an edition of the Laws of the Non-Removable Mille Lacs Band of Ojibwe or a supplement to the Laws of the Non-Removable Mille Lacs Band of Ojibwe the Revisor’s Office shall compare each section in the edition with the original section of the statutes or with the original section in the act from which the section was derived, together with all amendments of the original section. In one copy of the edition, the Revisor shall attach a certificate certifying that this comparison has been made and that all sections appear to be correctly printed. The copy containing the Revisor’s certificate must be filed locally within the Revisor’s Office as a public record. All other copies of the edition must contain a printed copy of the certificate.

§ 13. Sale and Distribution of Laws.

- (a) **Number of copies printed.** The Revisor shall determine how many copies of the Laws of the Non-Removable Mille Lacs Band of Ojibwe and supplements to the Laws of the Non-Removable Mille Lacs Band of Ojibwe are to be printed. Subject to the requirements of subsection (b), the Revisor shall determine how the copies are to be distributed.
- (b) **Free distribution.** The Revisor shall distribute without charge copies of each edition of the Laws of the Non-Removable Mille Lacs Band of Ojibwe and supplements to the Laws of the Non-Removable Mille Lacs Band of Ojibwe to the persons or bodies listed in this subsection. Before distributing the copies, the Revisor shall inform these persons or bodies of the cost of the publication and the availability of statutes on the Internet, and shall ask whether their work requires the full number of copies authorized by this subsection. Unless a smaller number is needed, the Revisor shall distribute:
 - (1) one copy to each elected official of the Band, to be personally owned;

- (2) one copy to the Revisor's Office in accordance with § 12 of this Title;
- (3) three copies to the Legislative Branch;
- (4) three copies to the Office of the Chief Executive;
- (5) three copies to the Court;
- (6) three copies each to the department of administration, the department of community development, the department of education, the department of health and human services, the department of natural resources, the department of justice, three copies to the office of the solicitor general, tribal police department;
- (7) one copy each to the judges of District Court, the justices of the Court of Appeals, the Parliamentarian, the office of management and budget, the department of athletic regulation, the department of gaming regulatory authority, the department of motor vehicles, the tribal employment rights office, Band boards, any educational institution under the control and jurisdiction of the Band;
- (8) one copy to each attorney employed at the Mille Lacs Band Member Legal Services, or any successor organization;
- (9) three copies to Mille Lacs Band Member Legal Services, or any successor organization;
- (10)
- (11)
- (12)
- (13) two copies each to the Library of Congress and Minnesota State Law Library for copyright and depository purposes;
- (14) two copies each to Mitchell Hamline School of Law, the Law School of the University of Minnesota, and University of St. Thomas School of Law;
- (15) two copies each to the Minnesota Historical Society and Minnesota Secretary of State;

- (16) one copy each to Bois Forte Band of Chippewa, Fond Du Lac Reservation, Grand Portage Band of Chippewa Indians, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Prairie Island Indian Community, Red Lake Band of Chippewa Indians, Shakopee Mdewakanton Sioux Community, Upper Sioux Community, and White Earth Reservation; and
 - (17) one copy each to the public library of the largest municipality of Aitkin County, Mille Lacs County, and Pine County.
- (c) **Marking of Band copies.** Copies of the Laws of the Non-Removable Mille Lacs Band of Ojibwe and supplements to the Laws of the Non-Removable Mille Lacs Band of Ojibwe that are distributed to those listed in subsection (b)(2) - (9) must be marked with the words “Band Copy” and kept for the use of the office.
- (d) **Sale.** Any foreign entity may purchase from the Revisor a copy of the Laws and the Non-Removable Mille Lacs Band of Ojibwe and supplement to the Laws of the Non-Removable Mille Lacs Band of Ojibwe. The Revisor shall fix a reasonable sale price for each publication. Revenue from the sale of any publication must be deposited in the general fund. With consent from the Band Assembly, the Revisor may offer any publications for sale to enrolled Band members at cost. The Revisor may also establish a public library containing Band laws.

§ 14. Legal Status of Statutes, Orders, Opinions, Resolutions, and Policies.

Any volume of the Laws of the Non-Removable Mille Lacs Band of Ojibwe, supplement to the Laws of the Non-Removable Mille Lacs Band of Ojibwe, and Official Acts of the Non-Removable Mille Lacs Band of Ojibwe certified by the Revisor is prima facie evidence of the statutes, orders, opinions, resolutions, and policies contained in it in all courts and proceedings.

§ 15. Tribal Register.

- (a) **Contents.** The Revisor shall publish an online Tribal Register containing:
- (1) Band statutes;
 - (2) Executive Orders;
 - (3) Secretarial Orders;
 - (4) Commissioner’s Orders;
 - (5) Legislative Orders;
 - (6) Chief Justice Orders;

- (7) Solicitor's Opinions;
 - (8) Court rules;
 - (9) department policies;
 - (10) acts;
 - (11) resolutions; and
 - (12) notice of any comment period pertaining to statutory revisions.
- (b) **Publication.** The Revisor shall update the Tribal Register whenever necessary, except that no material properly submitted for publication shall remain unpublished for more than ten (10) business days.
- (c) **Submission of items for publication.** An agency must publish all commissioner's orders, department policies, or other relevant items by submitting a copy of the entire document, including dates when adopted, to the Revisor within three (3) calendar days of adoption in addition to any other copies which may be required to be filed with the Revisor by other law. All commissioner's orders, department policies, and other relevant items adopted prior to April 1, 2022, must be submitted to the Revisor within seven (7) calendar days.
- (d) **Distribution.** When an agency properly submits a Commissioner's Order, policy, or other item to the Revisor, the Revisor must then be accountable for the publication of the same in the Tribal Register.
- (e) **Cost.** The Tribal Register shall be made available to enrolled Band members and Band employees free of charge.

Section 2. Amending 3 MLBS § 1.

Amending 3 MLBS § 1 to add the definition of "law."

- (h) **"Law"** means a bill adopted by the Band Assembly and not vetoed by the Chief Executive.

Amending 3 MLBS § 1(j).

- (i) **"Ordinance"** means an act adopted by the Band Assembly and presented to the Chief Executive.


Section 3. Amending 3 MLBS § 30(b).

- (b) All said Legislative Orders shall be consecutively numbered and have the official seal of the Band affixed thereto.

**Ordinance 40-22
(Band Assembly Bill 20-01-40-22)**


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

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


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: April 30, 2022


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

