

## ORDINANCE 08-93

An ordinance of tribal government amending Chapters 2, 4 and 5 of the Band Statutes.

The District I Representative introduced the following bill on the 16th day of September, 1992.

### Preamble

It is enacted by the Band Assembly for the Mille Lacs Band of Chippewa Indians for the purpose of clarifying the procedures for conducting an initiative or referendum and consenting to the jurisdiction of foreign courts of competent jurisdiction. Band Statutes 1141-MLC-2, Section 6; 1143-MLC-4, Title I, Section 5.01; and 1144-MLC-5, Sections 2 and 2.01, are hereby amended by this enactment. These amendments shall become effective on the date of enactment.

### 1141-MLC-2

Section 6: Initiative and Referendum. The legislative authority of the Non-Removable Mille Lacs Band of Chippewa Indians 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 (act, ) item, section or part of any bill (,act) or law passed by the Band Assembly, subject to election regulations promulgated by the Band Assembly.

6.01: 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 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 days after the passage of such bill or law. Newly enacted bills and laws shall be posted in each district within 5 days of enactment and shall remain posted until 20 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 days after the filing of the petition.

6.02: 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.

1143-MLC-4

5.01: The Court of Central Jurisdiction shall have jurisdiction over all civil and criminal matters where all parties are Indians within the jurisdiction of the Court. The Court of Central Jurisdiction shall have civil jurisdiction over non-Indians in all cases as provided in Section 5.02. The Court shall have jurisdiction pursuant to the laws of the United States of America. The Court shall have jurisdiction over contracts made with the Non-Removable Mille Lacs Band of Chippewa Indians, or any of its political subdivisions or entities, for services to be performed within the territorial jurisdiction of the Band, except as such jurisdiction may be otherwise limited by Band Statute.

1144-MLC-5

Section 2: Exclusive Original Jurisdiction. The Court of Central Jurisdiction is hereby conferred exclusive original jurisdiction over all civil causes of action, involving any person, where such grievance or dispute arises concerning any property, personal or otherwise, located on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, except as otherwise provided in Section 2.01 below.

2.01: The Court of Central Jurisdiction shall have exclusive original jurisdiction over all civil matters in which the Non-Removable Mille Lacs Band of Chippewa Indians, any of its political subdivisions or entities, or its officers, appointees or employees are parties in their official capacity; provided that the Court of Central Jurisdiction shall have no jurisdiction over any such civil matter if (a) the Band or any of its political subdivisions or entities, by written contract, consents to the jurisdiction of any other court or courts of competent jurisdiction, to the exclusion of the Court of Central Jurisdiction, and waives its sovereign immunity only to this extent and (b) the Band Assembly adopts a resolution ratifying the contract. Band Assembly ratification of a contract in which a political subdivision or entity of the Band waives that subdivision or entity's sovereign immunity shall not be construed as a waiver of the Band's own sovereign immunity. Nothing herein shall be construed as a waiver of sovereign immunity of the Band unless specifically authorized in accordance with Band law or by specific Band Statute.

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Introduced into the Band Assembly on the  
16th day of September in the year  
one thousand nine hundred ninety two.

Passed by the Band Assembly on this 9th  
day of October in the year one  
thousand nine hundred ninety two.




David Matrious, Speaker of Assembly

APPROVED

  
Marge Anderson, Chief Executive

FILED

  
James M. Genia, D. Solicitor General

OFFICIAL SEAL OF THE BAND