

Ordinance 31-21

An Ordinance amending Title 15 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of clarifying and correcting Chapter 2. On October 2, 2006, the Chief Executive signed into law Ordinance 45-06, which added Chapter 2 (Department of Athletic Regulation) to Title 15 (Gaming Regulatory Act). On November 17, 2006, the Chief Executive signed into law Ordinance 05-07, which corrected the nomination and ratification language for Chapter 2 of Title 15. On May 2, 2007, the Chief Executive signed into law 23-07, which amended the language in multiple sections of Chapter 2 of Title 15. On February 22, 2011, the Chief Executive signed into law Ordinance 05-11, which amended the language in multiple sections of Chapter 2 of Title 15. On January 18, 2013, the Chief Executive signed into law Ordinance 16-13, which permitted the Department of Athletic Regulation to regulate professional boxing and mixed martial arts for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country. In the midst of these amendments over the years, the correct language has not always been reflected in Band statutes and this Bill is intended to cure those defects.

The District I Representative introduced the following Bill on the 24th day of March, 2021.

Preamble

It is enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the purposes of clarifying and correcting Chapter 2.

Section 1: Amending Chapter 2 of Title 15 – Gaming Regulatory Act.

15 MLBS §§ 801-805 are amended by adding and removing the following:

§ 801. Professional Boxing and Mixed Martial Arts.

- (a) This subchapter and the Rules and Regulations shall constitute the entire professional athletic activity laws, including amateur mixed martial arts (“MMA”), and regulations of the Band. No professional boxing, sparring, amateur mixed martial arts, or other professional athletic exhibitions shall be conducted, held, or given on the Mille Lacs Band of Ojibwe Reservation, except in accordance with the provisions of this subchapter and the Department’s Rules and Regulations adopted by the Department of Athletic Regulation (“DAR”).
- (b) The DAR, through its Executive Director and Athletic Regulation Commission, shall have the right to amend the Rules and Regulations as the need arises. The Band Assembly reserves the right to approve or revoke any changes to the DAR Rules and Regulations prior to implementation within 90 calendar days of receipt from the DAR. If no formal action is taken within the 90 calendar days, the change is automatically adopted.

Historical and Statutory Notes

Source:

Band Ordinance 45-06, § 1.
Band Ordinance 05-11, § I(2), Exh. A, § 801.

§ 802. Purpose of the Department of Athletic Regulation.

- (a) With the exception of subsection (b), below, the purpose of the Department of Athletic Regulation is to regulate, administer, and oversee the conduct of all professional athletic, including professional boxing and amateur mixed martial arts, events held on the Mille Lacs Band of Ojibwe Reservation for the purpose of promoting the health, safety, and welfare of all persons engaged in such activities, and that of Band Members and the public. The Department of Athletic Regulation shall regulate such events through its Executive Director and Athletic Commissioners.

- (b) The Department of Athletic Regulation (“DAR”) may, upon invitation from another tribe or tribal entity, regulate a boxing or MMA event on behalf of such tribal entity for the purpose of promoting professionalism and safety in the sport. All such regulatory activities conducted on behalf of another tribe or tribal entity must be compensated by that tribe or tribal entity that extended the invitation to the DAR in an amount that is fair and reasonable, but no less than \$2,000.00 per event. Any monies earned in this manner by the DAR shall be deposited in the Band’s general fund within five (5) calendar days of the event.

- (c) The DAR Executive Director and at least two (2) Commission members shall be present at each place where amateur MMA or professional boxing, MMA or other professional athletic activities are to be held pursuant to the provisions of this subchapter. If the Executive Director is unable to attend such event due to illness or for any other reason, the Athletic Regulation Commission members shall oversee the regulation of such event.

Historical and Statutory Notes

Source:

Band Ordinance 45-06, § 2.
Band Ordinance 23-07, § I.
Band Ordinance 16-13, § 1.

§ 803. Jurisdiction of the Department of Athletic Regulation Commission.

The Department of Athletic Regulation Commission shall have and is hereby vested with the sole discretion, management, control, and jurisdiction over all amateur and professional boxing, sparring, mixed martial arts, and other professional athletic exhibitions to be conducted, held, or given on the Mille Lacs Band of Ojibwe Reservation, and other Band Lands, and over all licensing of any and all persons who participate in such activities. All gyms, clubs, training camps, and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring, or mixed martial arts on Band lands are also included.

Historical and Statutory Notes

Source:

Band Ordinance 45-06, § 3.

Band Ordinance 05-11, § I(2), Exh. A, § 803.

§ 804. Department of Athletic Regulation Commission.

- (a) **General.** The Department of Athletic Regulation shall be managed by an Executive Director and a five-member Board, referred to as the Athletic Regulation Commission (“Commission”). At all times, there shall be at least one (1) Commissioner from each District serving on the Athletic Regulation Commission. The Commission shall consist of five (5) members appointed in the following manner and have staggered terms as provided in subsection (b), below. The Commission shall have oversight of the Executive Director.
- (b) **Appointments process, terms, oath of office.** Each Commissioner shall be appointed using the following process:
 - (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Commissioner on the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
 - (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Commissioner of the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
 - (3) Each District Representative shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt

of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Commissioner of the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

- (4) If the Chief Executive or Secretary-Treasurer does not ratify one individual from any of the nominations sent to them within the time prescribed, then the Band Assembly shall select a Commissioner by majority vote.
- (5) If any person does not submit a nomination within 30 calendar days after a vacancy has occurred, then the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Athletic Regulation Commission. The timing and process for ratification are as stated in clauses (1) and (4) above.
- (6) No person shall take office until swearing to the oath of office pursuant to 2 MLBS § 8.

(c) **Qualifications of Commissioners are as follows:**

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing, wrestling, or mixed martial arts.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of the date of their appointment. Any Commissioner convicted of a felony during their term shall be automatically removed for such cause.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one (1) Commissioner from each of the Band's three districts.
- (5) If the Corporate Commission or a Mille Lacs Band of Ojibwe gaming enterprise acts as a promoter in any type of amateur or professional athletic event to be regulated by the DAR, any Commissioner employed by the Corporate Commission or Band gaming enterprise, will not participate in the regulation of such event.
- (6) Commissioners shall be subject to criminal background investigations. The Office of Solicitor General shall conduct the criminal background investigation for the Athletic Regulation Commission and shall return the

results of an investigation to the Band Assembly within ten (10) business days of notice of ratification.

(d) **Commission officers.**

- (1) The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(e) **Board duties and responsibilities.**

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record, in writing, the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes may be provided to the Band Assembly and Chief Executive upon request.
- (2) Commissioners shall serve part-time. The Commission shall meet a minimum of once per month, but no more than twice per month.
- (3) Each Commissioner is responsible for reading and reviewing the DAR Rules and Regulations, as well as this subchapter within 30 calendar days of her or his appointment to the Commission.
- (4) As part of each Commissioner's training, he or she shall, on a staggered basis, assist in pre-bout and post-bout duties and responsibilities, including weigh-ins, licensing, and payouts. Commissioners shall also work to ensure that all rules and regulations are followed during each athletic event.
- (5) As part of each Commissioner's training, he or she shall attend boxing inspection training at their earliest opportunity after appointment. Commissioners are also expected to take advantage of other types of trainings that may be offered locally to enhance their knowledge of the unarmed combat that they are appointed to regulate.

(f) **Vacancies.**

- (1) The DAR or Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least 30 days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
 - (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.
 - (3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term. Any Commissioner may be re-appointed during this time period pursuant to subsection (c).
- (g) **Elected official.** No elected official shall serve as a Commissioner during her or his term of office.
- (h) **Removal.** A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (i) **Compensation.** Commissioners shall be paid two hundred fifty dollars (\$250.00) per meeting, not to exceed five hundred dollars (\$500.00) in one (1) month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to her or his attendance at official meetings of the Commission.
- (j) **Training.**
- (1) Commissioners may attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners (“ABC) or other professional boxing or martial arts organization.
 - (2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training, plus mileage, and other travel expenses as stated in subsection (i) above. Commissioners, who are also employees of the Band government, shall not be required to use her or his accrued annual leave, but will be paid as if they were at work.
 - (3) Commissioners who are not Band government employees and are required to be absent from their employment to attend training pursuant to subsection (j)(1) above, shall be compensated at their previously documented hourly rate of pay, but not to exceed fifteen dollars (\$15.00) per hour, for each hour that they are in attendance at such training, plus mileage, and other travel expenses as stated in paragraph (2) above.

(k) **Funding and Collection of Fees.** The DAR shall be funded as follows:

- (1) From ticket sales of unarmed combat events, there shall be a 10/90 split between the DAR and the appropriate Grand Casino budget. Ten percent (10%) shall be assigned to the DAR budget through the Office of Management and Budget.
- (2) The remaining budget requirements will be funded from Taxation Revenue to be appropriated each and every year by Band government budget process.
- (3) If an unarmed combat promoter chooses to negotiate a “4-wall” deal with Grand Casino, he or she shall be responsible for marketing and sale of tickets for such unarmed combat event. The promoter shall negotiate with Grand Casino as to all other matters except regulation. For regulation of a “4-wall” event, the promoter shall pay ten percent (10%) of the gross ticket sales to the DAR, but not to exceed two thousand five hundred dollars (\$2,500.00). If any comp has the potential to impact the regulation fee, the promoter shall be restricted to “comp” no more than ten percent (10%) of the gross ticket sales. Within ten (10) calendar days of the event, the promoter shall file a written report with the DAR listing all ticket sales and comps of the “4-wall” event.
- (4) The minimum payment to the DAR from a promoter for the regulation of any unarmed combat “4-wall” event shall be one thousand dollars (\$1,000.00). Such amount shall be paid according to the timeline established under the DAR Rules and Regulations.

Historical and Statutory Notes

Source:

Band Ordinance 45-06, § 4.
Band Ordinance 05-07.
Band Ordinance 23-07, § II.
Band Ordinance 05-11, § I(2), Exh. A, § 804.

§ 805. No Right of Action.

This subchapter does not create any right, cause of action, or benefit enforceable at law or in equity by any individual, entity, or party against the Non-Removable Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department, or the Commission.

Historical and Statutory Notes


Source:

Band Ordinance 45-06, § 5.

Ordinance 31-21
(Band Assembly Bill 19-03-31-21)

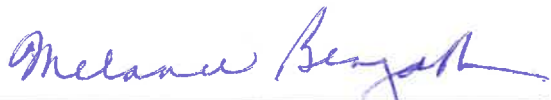
Introduced to the Band Assembly on this
Twenty-fourth day of March in the year
Two thousand twenty-one.

Passed by the Band Assembly on this
Twenty-fourth day of March in the year
Two thousand twenty-one.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: March 24, 2021


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND