

## Ordinance 38-21

An Ordinance amending Title 3 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of removing Robert’s Rules of Order, adding a definition section, adding a section to clarify when a bill, order, and resolution becomes effective, and adding language to ensure clear language throughout.

By amending Title 3, “[t]he 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 Annotated.” The Band Assembly conducted a formal public hearing on April 7, 2021, during a Band Assembly meeting. Because of the circumstances of COVID-19, Band Assembly did not find it appropriate to conduct in-person hearings in all appropriate Band districts and thus held the formal public hearing via Zoom. To ensure all districts felt heard, Band Assembly sent out a letter giving notice of the formal public hearing, encouraging all Band members to participate in the hearing.

The District I Representative introduced the following Bill on the 5th day of May, 2021.

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

#### **Section 1. Amending Title 3 – Legislative Branch.**

##### **Section**

##### **1. Definitions.**

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- 22.23. Assembly Powers of Inquiry.
- 23.24. Multi-Topic Bills.
- 24.25. Joint Session of Band Assembly.
- 25.26. Removal of Elected Officials or Appointees.
- 26.27. Elections.
- 27.28. Legislative Orders.
- 29. Style of Laws.
- 28.30. Effective Date for Bills, Orders, and Resolutions.
- 29.31. Interpretation of Title.
- 30.32. Construction of Title.

**§ 1. Definitions.**

The definitions in this section shall apply to this Title.

- (a) “**Band**” means the Non-Removable Mille Lacs Band of Ojibwe.
- (b) “**Band Assembly**” means the Band’s legislative branch, established pursuant to 3 MLBS § 1, and comprised of the duly elected Speaker of the Assembly and three (3) District Representatives.
- (c) “**Bill**” means proposed legislation under consideration by the Band Assembly.
- (d) “**Chief Executive**” means the elected official who leads the Band’s executive branch pursuant to 4 MLBS § 6.
- (e) “**Clerk of the Band Assembly**” means the appointed official pursuant to 3 MLBS § 10 who is responsible for managing the session proceedings, record-keeping, and bill drafting.
- (f) “**Formal Public Hearing**” means a hearing conducted by the Band Assembly pursuant to 3 MLBS § 17(a).
- (g) “**Joint Session of the Band Assembly**” means a meeting with the four (4) members of the Band Assembly and the Chief Executive, convened pursuant to 3 MLBS § 25.
- (h) “**Opinion**” means a written interpretation of Band laws, policies, or legislative, secretarial, or commissioner’s orders pursuant to 4 MLBS § 18.
- (i) “**Ordinance**” means a law adopted by the Band Assembly and signed by the Chief Executive.

- (j) “Parliamentarian” means the appointed official pursuant to 3 MLBS § 10 who is trained in parliamentary law and in the rules, precedents, and practices of the Band Assembly.
- (k) “Resolution” means a formal expression of opinion, will, or intention voted on by the Band Assembly.
- (l) “Resolution of the Joint Session of the Band Assembly” means a resolution of the Joint Session of the Band Assembly, which is voted on by the Band Assembly, including the Speaker of the Assembly, and the Chief Executive.
- (m) “Secretary-Treasurer” means the elected official who has the powers and duties in administrating the Band’s financial affairs pursuant to 3 MLBS § 8.
- (n) “Speaker of the Assembly” means the elected official who leads the Band’s legislative branch pursuant to 3 MLBS § 7.
- (o) “Statute” means an ordinance that has been codified into Band law pursuant to Title 25.

**§ 2. Band Assembly.**

- (a) All legislative political authority of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~ Non-Removable Mille Lacs Band of Ojibwe shall be vested in the Legislative Branch of government. The Legislative Branch of government shall be known as the Band Assembly. It shall be comprised of the duly elected representatives of the legislative districts of the Mille Lacs Reservation. Each District shall elect one representative. The Districts are as follows:
  - (1) District 1; ~~Nay-Ah-Shing~~ Nay-Ah-Shing (Vineland);;
  - (2) District 2; ~~Mi-ni-Si-na-kwang~~ Mi-ni-si-na-kwang (East Lake), ~~Chi-Mi-ni-sing~~ Chi-mini-sing (Isle), ~~Ga-me-ta-wa-ga-gi-mog~~ (Sandy Lake), and ~~Chi-manoominikaang~~ (Minnewawa); and;
  - (1) District 3; ~~Ga-shi-gwa-na-bi-go-gog~~ (Hinckley), ~~Ah-zhoo-moog~~ (Lake Lena), ~~Ne-shi-gwa-go-gog~~ (Pine City), and ~~A-sin-ni-ga-ning~~ (Sandstone). ~~Ah-Sho Moog.~~
- (b) The Secretary-Treasurer shall be the leader of the Band Assembly. The Secretary-Treasurer shall exercise his/her legislative duties under the title "Speaker of the Assembly." The Secretary-Treasurer shall exercise his/her financial duties under the title "Secretary of Treasury."

(a)(c) Unless otherwise specified by Band Statute, all legislative authority of the Mille Lacs Reservation Business Committee shall be exercised by the Band Assembly. The Band Assembly is and shall be the body referred to in the Constitution as the Reservation Business Committee.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 4.01.

#### **Cross References**

Designation of band districts, *see* 2 MLBS§ 11.

Functions of governmental authority, *see* 2 MLBS § 4.

Reservation Business Committee, *see* Const. Art. 3, § 2.

#### **§ 32. Legislative Power.**

It shall be the authority and duty of the Legislative Branch to enact laws which regulate internal and external affairs of the ~~Mille Lacs Bands~~Band in order to promote the general welfare of the people. The Band Assembly shall have power:

- (a) to enact laws which promote the general welfare of the people;
- (b) to appropriate all Band revenue regardless of source;
- (c) to confirm appointments of the Chief Executive, which are by law required to be with the advice and consent of the Band Assembly;
- (d) to adopt resolutions;
- (e) to annul any Commissioner's Order or any opinion of the Solicitor General in conformity with 3 MLBS § 187;
- (f) to ratify agreements, contracts, cooperative and reciprocity agreements and memoranda of understanding; and
- (g) to perform all other legislative functions conferred by the provisions of Article VI of the Constitution of the Minnesota Chippewa Tribe.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 5.

#### **Cross References**

Consolidated Nay-Ah-Shing School Board; powers reserved to Band Assembly, *see* 9 MLBS § 15.  
Education-related funds, appropriation authority, *see* 9 MLBS § 27.  
Gaming, Compacts with State of Minnesota, *see* 15 MLBS § 106.  
Management agreements, ratification, *see* 15 MLBS § 105.  
Negotiation and execution of agreements, contracts, etc., *see* 4 MLBS § 3.  
Recommendation of agreements, contracts, etc., *see* 4 MLBS § 6.  
Violation of approved Tribal Ordinance, *see* 24 MLBS § 1211.

### **§ 43. Initiative and Referendum.**

- (a) The legislative authority of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~ 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.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 6.  
Band Ordinance 08-93.

### **§ 54. 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.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 7.

### § 65. Terms of Office.

The terms of office of the members of the Band Assembly shall be the term prescribed for the Secretary-Treasurer and Committeemen of the Reservation Business Committee in Article IV, § 3, of the Constitution.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 8.

### § 76. 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 for due cause at any time. In the event that he/she shall fail to do so upon request of any two District Representatives, the 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.
- (a) ~~He/she~~ The Speaker of the Assembly shall not be a voting member of the Band Assembly.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 9.

**§ 87. 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 Lacs Band of ~~Chippewa Indians~~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 in the performance of his/her duties;
- (f) to levy, impound or attach any financial account of the Non-Removable Mille Lacs Band of ~~Chippewa Indians~~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 post a fidelity bond in favor of the Non-Removable Mille Lacs Band of ~~Chippewa Indians~~Ojibwe in an amount satisfactory to the Band Assembly; and
- (j) the Secretary-Treasurer shall coordinate with the Commissioner of Finance for the Office of Management and Budget, to ensure that financial planning and operations are consistent.

## Historical and Statutory Notes

### Source:

Band Statute 1141-MLC-2, § 10.

### Cross References

Commissioner of Finance, *see* 22 MLBS § 101 et seq.

Public Works Commission, financial record system, *see* 13 MLBS § 14.

Review of proposed procurement actions, *see* 7 MLBS § 6.

Violation of Secretarial Orders, *see* 24 MLBS § 1212.

### § 98. 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) To introduce into the Band Assembly appropriate bills promoting the general welfare of the people for enactment into the laws of the Band.
  - (2) To establish district committees within their respective districts for the purpose of aiding them in the performance of their legislative duties.
  - (3) To chair public hearings on any proposed law within their appropriate district.
  - (4) 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) 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) To authorize the use of district community centers according to written standards that are fair and reasonable.
  - (7) To comply with the provisions of the oath of office of a District Representative.
  - (8) 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.



- (9) 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 Bands of Chippewa Indians~~ Non-Removable Mille Lacs Band of Ojibwe.

#### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 11.

#### Cross References

Community centers, use, *see* Exec. Order 033.

Division of powers, *see* 2 MLBS § 3.

Functions of Band government, *see* 2 MLBS § 4.

#### § 109. Parliamentarian/Clerk of the Band Assembly.

The Band Assembly shall appoint an individual, not a member of the Band Assembly, who shall act as Parliamentarian and Clerk of the Band Assembly. ~~He/she~~ The Parliamentarian shall be independent of any supervisory authority in the Band Assembly. ~~when acting as Parliamentarian.~~ All parliamentary decisions shall be rendered in an impartial manner ~~and be in accordance with Robert's Rules of Order.~~ The Parliamentarian may be removed from office by unanimous vote of the Band Assembly in concurrence with the Speaker of the Assembly.

#### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2 § 12

#### § 110. Record of Proceedings.

It shall be the duty of the Clerk of the Band Assembly to record all official minutes of the proceedings of the Band Assembly. The Clerk of the Band Assembly shall add the meeting minutes to the next scheduled Band Assembly agenda for Band Assembly approval. The official record of the proceedings of the Band Assembly shall be prima facie evidence of the facts stated therein in the Court of Central Jurisdiction and any other court of competent jurisdiction.

#### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 12.01.

**§ 121. Rules of Band Assembly.**

The Band Assembly shall establish the rules of its proceedings, decide upon its adjournment and discipline of its members through censure for improper conduct as a Band Assembly member; or other disciplinary action, provided, however, that removal shall be governed by 3 MLBS §\_254(a), but not twice for the same offense.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 13.

**§ 132. Membership of Band Assembly.**

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 Minnesota Chippewa Tribal Election Ordinance Number 4. The Chief Executive shall not be a member of the Band Assembly.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 14.

**§ 143. Quorum.**

Any three (3) members shall constitute a quorum to transact business of the Band Assembly. The Speaker of the Assembly shall be considered as a member of the Band Assembly for the purpose of establishing a quorum.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 14.01.

**§ 154. Roll Call Vote.**

In all votes of the Band Assembly, a roll call vote may be utilized upon the request of any Representative and their roll call vote shall be entered for the record. Otherwise, all other votes may be consensual.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 15

**§ 165. 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.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 16.

**§ 176. 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 ~~14~~ to ~~3H~~ of Chapter 3 of Title 24 of the Mille Lacs Band Statutes ~~Annotated~~. 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 ~~Mille Lacs~~ Band's Reservation prior to the time that the Band Assembly seeks to formally act upon said bill. Additionally, each bill shall be posted in a conspicuous location for ten (10) calendar days after said bill has been introduced at a formal public hearing. 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 72 hours after said action, 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~~his 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.
- (d) The Clerk of the Band Assembly shall certify the date and time that each bill has been forwarded to the Chief Executive for ~~his~~ action. This date shall be utilized to determine the appropriate five (5) 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, ~~fifteen~~ 15 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 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.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 17.

#### **Cross References**

Approval of laws by Tribal Executive Committee, *see* Const. Art. 15, § 3.

Chief Executive's powers and duties, *see* 4 MLBS § 6.

Great Lakes Indian Fish and Wildlife Compact withdrawal, *see* 2 MLBS § 1157.

Land consolidation, applicability of federal law and regulations, *see* 21 MLBS § 104.

Review of laws by Secretary of Interior, *see* Const. Art. 15, § 2.

Violation of approved Tribal Ordinance, *see* 24 MLBS § 1211.

#### **§ 187. 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 ~~and/or~~ Solicitor General. Within ten (10) 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) 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.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 19.

### Cross References

Commissioner of Corporate Affairs, Commissioner's Orders, *see* 16 MLBS § 6.

Commissioner's Orders, *see* 4 MLBS § 7

Opinions of Solicitor General, *see* 4 MLBS § 18.

### § 198. Appropriation Bills.

Should the Band Assembly fail to pass an appropriation bill before the start of the Band's biennium or should said bill be vetoed by the Chief Executive, all fiscal operations of the Band shall cease as of midnight of the last day of the biennium, unless the Band Assembly adopts a continuing resolution prior to such time.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 20.

Band Ordinance 23-99, §§ 2, 3.

### Cross References

Preparation and submission of budget requests, *see* 4 MLBS § 3.

### § 2019. Fiscal Year.

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

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 20.01.

### § 210. Petitions of Members of Band.

The Band Assembly shall pass no law or legislative order which abridges the rights of the membership to petition the Band Assembly on matters of the Band government.

### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 21.

**§ 221. Legislative Privilege.**

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

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 22

**§ 232. Assembly Powers of Inquiry.**

- (a) The Band Assembly shall have the power to hold Hearings of 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 Hearings of Inquiry of the Band Assembly shall be held according to 4 MLBS §§ 13 and 14.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 23.

**§ 243. Multi-Topic Bills.**

The Band Assembly may pass any bill with many topics and ~~said~~ shall not be limited to one topic for any one bill.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 24.

**§ 254. 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. 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 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 Representative, the District Two Representative, the District Three 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 ~~Annotated~~.

#### Historical and Statutory Notes

**Source:**

Band Statute 1141-MLC-2, § 25.

#### Cross References

Division of powers, *see* 2 MLBS § 3.

Functions of government authority, *see* 2 MLBS § 4.

Powers and duties of Chief Executive, *see* 4 MLBS § 6.

#### **§ 265. 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 Bands of Chippewa Indians~~ 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 ~~Annotated~~. 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.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 26.

**Cross References**

Commissioner for corporate Affairs, removal from office, *see* 16 MLBS § 3.  
 Consolidated Nay-Ah-Shing School Board, removal from office, *see* 9 MLBS § 6.  
 Court of Appeals Justices, removal for cause, *see* 5 MLBS §§ 5, 11.  
 District Court Judge, removal for cause, *see* 5 MLBS §§ 7, 10, 11.  
 Employee Credit Union, Board of Directors, terms and removal, *see* 17 MLBS § 4.  
 Recall of appointed officials, *see* 4 MLBS § 15.

**§ 276. Elections.**

The Joint Session of the Band Assembly shall have the power to call an election at any time; however, elections established under Article IV, Section 1 of the Constitution and By-Laws of the Minnesota Chippewa Tribe shall be held when directed by the two-thirds majority vote of the Tribal Executive Committee of the Minnesota Chippewa Tribe. Upon the official action of the Joint Session of the Band Assembly or the Tribal Executive Committee, the Chief Executive shall cause to have prepared and distributed an official Writ of Election.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 27.

**§ 287. Legislative Orders.**

- (a) The Band Assembly of the ~~Non-Removable Mille Lacs Bands of Chippewa Indians~~ 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 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 is passed by a majority vote of the Band Assembly under its rules of procedure.

- (b) All said Legislative Orders shall be consecutively numbered and bear the signature of the Solicitor General as to form and execution 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 ~~Mille Lacs Bands~~ Band until amended or repealed. The Clerk of the Band Assembly shall produce and distribute all Legislative Orders within 24 hours after formal enactment of the Band Assembly.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 28.

#### **§ 298. Style of Laws.**

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

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 29.

#### **§ 30. Effective Date for Bills, Orders, and Resolutions.**

- (a) If a Bill does not have an effective date, the effective date shall be immediately upon a majority vote of the Band Assembly and either the signature of the Chief Executive or the absence of action by the Chief Executive as prescribed in § 17(c).
- (b) If a Legislative Order does not have an effective date, the effective date shall be immediately upon a majority vote of the Band Assembly.
- (c) If a Secretarial Order does not have an effective date, the effective date shall be immediately upon the signature of the Secretary-Treasurer.

**§ 31 29. 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 ~~his or her~~her 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 Exterior Legal 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.

**Historical and Statutory Notes**

**Source:**

Band Statute 1141-MLC-2, § 32.

**Cross References**

Legal counsel, *see* 4 MLBS § 16.

**§ 320. Construction of Title.**

The Solicitor General or the Exterior Legal 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.

**Historical and Statutory Notes**


**Source:**

Band Statute 1141-MLC-2, § 33.

Ordinance 38-21  
(Band Assembly Bill 19-03-38-21)


Introduced to the Band Assembly on this  
Fifth day of May in the year  
Two thousand twenty-one.

Passed by the Band Assembly on this  
Fifth day of May in the year  
Two thousand twenty-one.

  
\_\_\_\_\_  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: May 6, 2021

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**