

Ordinance 08-21

An Ordinance enacting the Revisor of Statutes Code as Title 25. The Revisor of Statutes Code will grant the Revisor the authority to establish an independent Revisor's Office to ensure the annual compilation, updating, and publication of Band laws and official acts; to provide confidential drafting services of proposed legislation and policy revisions to District Representatives; and to establish a Tribal Register for the publication of Band statutes and policies, Executive Orders, Secretarial Orders, Commissioner's Orders, Legislative Orders, Chief Justice Orders, Solicitor's Opinions, and other official notices.

To enact the Revisor of Statutes Code, 4 MLBS § 18(e), which empowers the Solicitor General to codify ordinances into Band statutes, must be amended. 3 MLBS § 16(a) states, "[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 November 12, 2020, 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 and encouraging all Band members to participate in the hearing.

The District II Representative introduced the following Bill on the 2nd day of December, 2020.

Preamble

Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of enacting the Revisor of Statutes Code, which will require the amendment of the authority given to the Solicitor General to certify ordinances and codify them into statutes in Title 4. The Revisor of Statutes Code will grant the Revisor the authority to establish an independent Revisor's Office to ensure the annual compilation, updating, and publication of Band laws and official acts; to provide confidential drafting services of proposed legislation and policy revisions to District Representatives; and to establish a Tribal Register for the publication of Band statutes and policies, Executive Orders, Secretarial Orders, Commissioner's Orders, Legislative Orders, Chief Justice Orders, Solicitor's Opinions, and other official notices.

Section 1. Amending 4 MLBS § 18(e).

4 MLBS § 18(e) is amended by striking the last sentence, as follows:

§ 18. Duties of Solicitor General.

The Solicitor General shall have the following responsibilities, obligations and authority on behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians:

- (e) To aid in drafting public bills, resolutions, orders, policies or amendments thereto on the request of the Chief Executive, Speaker of the Assembly or the Chief Justice. ~~To~~

~~certify to the ordinances of Band government and codify said ordinances into Band Statutes.~~

Section 2. Enacting the Revisor of Statutes Code as Title 25.

The Revisor of Statutes Code is enacted as follows:

TITLE 25 - REVISOR OF STATUTES

Section

1. **Purpose.**
2. **Definitions.**
3. **Selection of Revisor.**
4. **Revisor's Powers.**
5. **Drafting Duties of Revisor's Office.**
6. **Other Office Duties During Legislative Session.**
7. **Prohibitions and Limitations.**
8. **Official Acts of the Non-Removable Mille Lacs Band of Ojibwe.**
9. **Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Contents.**
10. **Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Supplements.**
11. **Publication Powers.**
12. **Certificate of Correctness.**
13. **Sale and Distribution of Statutes and Laws.**
14. **Legal Status of Statutes, Orders, Opinions, Resolutions, and Policies.**
15. **Tribal Register.**

§ 1. Purpose.

The purposes of this statute are to:

- (a) establish an independent Revisor's Office to ensure the annual compilation, updating, and publication of Band laws and official acts;
- (b) provide confidential drafting services of proposed legislation and policy revisions to District Representatives; and
- (c) establish a Tribal Register for the publication of Band statutes and policies, Executive Orders, Secretarial Orders, Commissioner's Orders, Legislative Orders, Chief Justice Orders, and other official notices.

§ 2. Definitions.

- (a) “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.
- (b) “Band” means the Non-Removable Mille Lacs Band of Ojibwe.
- (c) “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 District Representatives.
- (d) “Chief Executive” means the elected official who leads the Band’s executive branch pursuant to 4 MLBS § 6.
- (e) “Court” means the Band’s Court of Central Jurisdiction established pursuant to 5 MLBS § 1.
- (f) “Legislative Session” means the period of time, occurring twice per calendar year, in which the Band Assembly is convened for the purpose of lawmaking.
- (g) “MLBS” means Mille Lacs Band Statutes, which is the preferred legal citation for the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe.
- (h) “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.
- (i) “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.
- (j) “Speaker of the Assembly” means the elected official who leads the Band’s legislative branch pursuant to 3 MLBS § 6.

§ 3. Selection of Revisor.

The Band Assembly shall select a qualified individual with a federal Indian law background, when feasible, to the position of Revisor of Statutes. The Revisor must be licensed to practice

law before the Court of Central Jurisdiction and shall have his or her salary fixed by the Band Assembly. The Revisor shall be considered a permanent, full-time employee not serving solely at the pleasure of any elected official. The Revisor shall be subject to the Band's Personnel Policy and Procedures.

§ 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) **Contract over \$5,000.** A contract for professional or technical services that is valued at more than \$5,000 may be made only with Band Assembly approval.

§ 5. Drafting Duties of the Revisor's Office.

- (a) **Limitation.** As far as personnel and available appropriations permit, the Revisor's Office shall perform the drafting duties described in subsections (b) to (d).
- (b) **Drafting responsibilities.** On request, the Revisor's Office shall draft bills, resolutions, and amendments solely for District Representatives of the Band Assembly. The Revisor's work product shall be prioritized in the order received during that legislative session of Band Assembly, or as otherwise directed by a majority vote of the Band Assembly.
- (c) **Requests for drafting services.** The District Representatives may submit to the Revisor's Office requests for drafting services. A request must state briefly the policy and purpose of the document to be drafted. Documents must be drafted to conform to the instructions given in the request.

- (d) **Drafting manual.** The Revisor's Office shall prepare and issue a drafting manual containing styles and forms for drafting bills, resolutions, and amendments.

§ 6. Other Office Duties During Legislative Session.

- (a) **Advice concerning effect of bills.** The Revisor's Office shall give members of the Band Assembly advice concerning the legal effect of bills or proposed bills, but only at the request of the members.
- (b) **Report to Band Assembly.** As needed or at least once every two legislative sessions, the Revisor's Office shall report to the Band Assembly any statutory changes recommended by any branch of government, including any statutory deficiencies or contradictions noted in any decision or opinion of the Court of Central Jurisdiction. The report must include any comment necessary to clearly outline the legislative problem reported.
- (c) **Technical bills.** The Revisor's Office shall prepare and submit to the Band Assembly bills clarifying and correcting the statutes and executive branch policies that are required by statute to be ratified by the Band Assembly.
- (d) **Preparing and presenting the bills.** The Revisor's Office shall assist in preparing any bill requested by a District Representative. In preparing a bill, the Revisor may correct misspelled words and other minor clerical errors. Bills are to remain under the supervision of the Parliamentarian.
- (e) **Other Services.** The Revisor's Office shall perform other services requested by the District Representatives, provided that such requests adhere to the purposes of this statute.

§ 7. Prohibitions and Limitations.

The Revisor, employees of the Revisor's Office, and persons assisting the office as part-time employees or independent contractors are subject to the following prohibitions and limitations:

- (a) They may not reveal to any person not employed by the legislative branch the content or nature of a request for drafting services. The content of the request, as well as documents and communications relating to the drafting service supplied, is not public and is not subject to subpoena, search warrant, deposition, writ of mandamus, interrogatory, or other disclosure.

- (b) They may not overtly urge or oppose the substantive provisions of legislation, except in accordance with § 6(a) of this Title.
- (c) They may not use office time to conduct legal business other than the business of the Revisor's Office.
- (d) They may not engage in activities outside of their work for the Revisor's Office that would violate the duty to exercise independent professional judgment on behalf of the Revisor's Office or the prohibition against representing multiple clients as set forth in the Minnesota Rules of Professional Conduct.
- (e) They may not take part in political management or political campaigns for Band office; use their official authority or influence for the purpose of interfering with or affecting the result of a Band election; knowingly solicit, accept, or receive a political contribution for a Band election; or run as a candidate for election to a Band political office.

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

No later than January 15 of each year, the Revisor shall publish, 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 or ordinances;
- (h) resolutions; and
- (i) any new or revised department policy.

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

- (a) **Permanent required contents.** The Revisor's Office shall publish editions of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe. The Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe must contain the applicable constitution, all general and permanent statutes in force, rules of the Court, and any other information the Revisor considers desirable and practicable.
- (b) **Headnotes.** The headnotes of the sections of any edition of the Laws and Rules 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 and Rules 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 ordinances or 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 and Rules 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 and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Supplements.

If the Revisor's Office does not publish an edition of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe in a given year, it may publish a supplement to the Laws and Rules 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 and Rules 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 and Rules of the Non-Removable Mille Lacs Band of Ojibwe” and other phrases identifying other editions of any supplements to the Laws and Rules 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.

- (b) **Negotiated contracts.** The Revisor's Office may negotiate for all or part of the editing and printing of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplements to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and Official Acts of the Non-Removable Mille Lacs Band of Ojibwe and contract with a law book publisher for these services. All negotiated contracts require Band Assembly approval.

§ 12. Certificate of Correctness.

In preparing an edition of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, a supplement to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, or an edition of Official Acts 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 Statutes and Laws.

- (a) **Number of copies printed.** The Revisor shall determine how many copies of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplements to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and Official Acts 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 and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplements to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and Official Acts 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 and official acts 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 the Revisor's Office in accordance with § 12 of this Title;
 - (2) one copy to each elected official of the Band, to be personally owned by each official;

- (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 to each Band department;
- (7) three copies to the Office of the Solicitor General;
- (8) three copies to Mille Lacs Band Member Legal Aid, or any successor organization;
- (9) one copy to each judge of the district court and court of appeals;
- (10) one copy each to other Band boards not specifically named in this subsection;
- (11) one copy to the Parliamentarian;
- (12) one copy to any educational institution under the control and jurisdiction of the Band;
- (13) two copies to the Revisor from which the Revisor shall send the appropriate number 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 and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplements to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and Official Acts of the Non-Removable Mille Lacs Band of Ojibwe that are distributed to public officers, except elected

officials of the Band, 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 Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplement to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, or an edition of Official Acts 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 and official acts.

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

Any volume of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplement to the Laws and Rules 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 or ordinances;
- (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.** Any agency which desires to publish a Commissioner's Order, policy, or other item shall submit a copy of the entire document, including dates when adopted, to the Revisor in addition to any other copies which may be required to be filed with the Revisor by other law.

- (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.

Ordinance 08-21
(Band Assembly Bill 19-02-08-21)

Introduced to the Band Assembly on this
Second day of December in the year
Two thousand twenty.

Passed by the Band Assembly on this
Second day of December in the year
Two thousand twenty.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: December 3, 2020


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND