

# Mille Lacs Band Statutes Annotated

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## TITLE 18 - COMMERCIAL PRACTICES

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### Historical and Statutory Notes

The Preamble of Band Statute 1090-MLC-7 provides: "It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians a code to license all persons, companies, corporations, associations, partnerships cooperatives. Utilities and any other public or private commercial entity who engages in the sale of any goods and/or services with any Band member, mdi an(s) or other person(s) who reside on lands subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians and with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians, any political sub-division(s) thereof, and/or any entity under the jurisdiction of the Mille Lacs Band of Chippewa Indians on lands subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians and for other related purposes, such as persons who solicit business or literature upon those persons who reside on lands under the jurisdiction of the Band and those who peddle merchandise of any type of goods or services upon those persons who reside on lands under the jurisdiction of the Band."

Band Statute 1090-MLC-7, § 27 provides: "Section 27. Severability. If any provisions of this chapter, or the application thereof, to any person, business, corporation or state government or any political subdivision or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application and to this end the provisions of this Chapter are declared severable."

# CHAPTER 1

## GENERAL PROVISIONS

### Section

1. Findings and Determinations.
2. Definitions.
3. Reservation of Right.
4. Rules and Regulations.
5. Jurisdiction of the Court of Central Jurisdiction; Damages.
6. Waiver of Sovereign Immunity.
7. Solicitor General Obligation.
8. Investigations Proceedings.
9. Equality and Consistency in the Exercise of Powers and Duties.
10. Violations.

### Historical and Statutory Notes

The title of Ordinance 15-14 is: “An ordinance amending Section 3(a) in Title 6 of the Mille Lacs Band Statutes Annotated; amending Sections 2, 4, 6 and 10 in Title 18 of the Mille Lacs Band Statutes Annotated; amending Chapter 5 of Title 18 in the Mille Lacs Band Statutes Annotated; and repealing any inconsistent Indian Preference language in any other Band law or policy, including any Corporate Commission policy, in order to create consistency in Band law and policy.”

The preamble of Ordinance 15-14 provides: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 3(a) in Title 6 of the Mille Lacs Band Statutes Annotated; Sections 2, 4, 6 and 10 in Title in the Mille Lacs Band Statutes Annotated; amending Chapter 5 of Title 18 of the Mille Lacs Band Statutes Annotated (the Band’s Indian Employment Rights Ordinance or ‘TERO’); and repealing any inconsistent Indian Preference language in Band law or policy, including any Corporate Commission policy, in order to create consistency in Band law and policy.”

### § 1. Findings and Determinations.

- (a) The Band Assembly hereby finds and determines that pursuant to Article VI, Section 1, Sub-section 3, of the Constitution of the Minnesota Chippewa Tribe, that it may authorize, regulate and license all persons, companies, corporations, associations, partnerships, cooperatives, utilities, and any other public or private commercial entity who engages in the sale of any goods and/or services with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians.
- (b) The Band Assembly hereby finds and determines that the regulation and licensure of all persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services with any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians is an effective way to regulate commercial activity on lands under the jurisdiction of the Band and that such regulation is vital to the

economic security, political integrity and general welfare of the members of any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians.

- (c) The Band Assembly hereby finds and determines that members of the Mille Lacs Band of Chippewa Indians have entered into grossly unfavorable contracts with other persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with said contracts not being clearly understood by said Band members.
- (d) The Band Assembly hereby finds and determines that many members of the Mille Lacs Band of Chippewa Indians have been imposed upon by persons who solicit and/or peddle literature, insurance policies, merchandise of poor quality and other like-type goods or services and that said persons utilize unprofessional sales tactics in order to coerce Band members and others to accept said products which Band members under ordinary circumstances would not accept.
- (e) The Band Assembly hereby finds and determines that through the imposition of a license regulations governing such transactions upon all persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services with Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians is an effective way to regulate such 'transactions and to protect basic civil rights to due process of those persons subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, pursuant to 1 MLBS § 1 et seq. and Article XIII of the Constitution of the Minnesota Chippewa Tribe.
- (f) The Band Assembly hereby finds and determines that any person(s), companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who desires to engage in such commercial activity, be permitted to do so under such rules and regulations as the Band Assembly may enact or the Chief Executive pursuant to lawful Executive Order may prescribe, so that the best interest of Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians shall be protected.
- (g) The Band Assembly hereby finds and determines that pursuant to Article VI, Section 1 , Subsection D and Article XV, Section 1 , 2 and 3 of the Constitution of the Minnesota Chippewa Tribe requires that any ordinance which imposes a license or fee upon non-members of the Minnesota Chippewa Tribe-Non-Removable Mille Lacs Band of Chippewa Indians shall be subject to review by the Secretary of Interior, and the regulatory provisions of Chapters 1 to 5 of this title clearly fall within the provisions of the aforementioned constitutional declaration.
- (h) The Band Assembly hereby finds and determines that in the best interests of Indian Self-Determination that the Secretary of Interior shall exercise his fiduciary

obligation by reviewing any proposed Band Statute that levies a licensing fee on nonmembers of the Non-Removable Mille Lacs Band of Chippewa Indians and making recommendations to the Band Assembly so that it may become a Band Statute for regulatory and revenue generating purposes and be codified into the laws of the Non-Removable Mille Lacs Band of Chippewa Indians without undue delay.

- (i) The Band Assembly hereby finds and determines that persons, companies, corporations, associations, partnerships, cooperatives, utilities and any other public or private commercial entity who engage in the sale of any goods and/or services of any material value with any person subject to the jurisdiction, on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or with the Non-Removable Mille Lacs Band of Chippewa Indians or any entity or any political subdivision thereof; have conducted such business transactions without regard to the law, policies or judicial determinations of the Non-Removable Mille Lacs Band of Chippewa Indians and that such a condition violates the general welfare, economic security and political integrity of the Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians and that due to this condition , it is necessary to promulgate rules and regulations which govern the conduct of these transactions on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

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

**Source:**

Band Statute 1090-MLC-47, § 1.

#### **§ 2. Definitions.**

As used in Chapters 1 to 4 of this title, the words, terms, and phrases, defined in this section have the meanings given them. Unless the language or context of any undefined word, term or phrase, clearly indicates that a different meaning is intended, the meaning of sub-joined to any said work, term or phrase shall be subject to definitions found in Minnesota Statutes.

- (a) **Association:** The act of a number of persons in uniting together for some special purpose or business.
- (b) **Commercial Entity:** Any person(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who engage in trading in any goods and/or services of any material value with any person subject to the jurisdiction on lands, subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or with the Non-Removable Mille Lacs Band of Chippewa Indians or any entity or any political subdivision thereof.
- (c) **Company:** Union or association of persons for carrying on a commercial or industrial enterprise.

- (d) **Cooperative:** A corporation or association organized for purpose of rendering economic services, without gain to itself, to shareholders or members who own and control it.
- (e) **Corporation:** An artificial person or legal entity created by or under the authority of the laws of the Non-Removable Mille Lacs Band of Chippewa Indians, any state or nation, composed in some rare instances of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals, including those entities defined in Band Statutes 1077-MLC-16, § 26.0126.03.
- (f) **Court:** The Court of Central Jurisdiction as created pursuant to 5 MLBS § 1 et seq.
- (g) **Partnership:** A voluntary contract between two or more competent persons to place their money, effects, labor and skill, or some or all of them, in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them.
- (h) **Person:** A natural person, corporation, company, association, cooperative, unincorporated association, trust or joint stock association, church, religious sect, religious denomination, or league and includes any trustee, receiver, assignee, agent or other similar representative thereof.
- (i) **Process:** Any statutory notice or demand required or permitted to be served on a natural person or a corporation and includes a summons in a civil action and any process which may be issued in any action or proceedings in the Court of Central Jurisdiction.
- (j) **Solicit:** The request, directly or indirectly, for any contribution, regardless of which party initiates communication, on the plea or representation that such contribution will or may be used for any charitable purpose, and the term shall be all inclusive.
- (k) **Solicitation:** Asking, enticing, requesting; or to appeal for something.

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

**Source:**

Band Statute 1090-MLC-7, § 32.  
Band Ordinance 15-14, Title II, § 1.

### **§ 3. Reservation of Right.**

The Band Assembly hereby fully reserves the right to alter, amend or repeal the provisions of this title with the required review and approval of the Secretary of Interior. All rights and privileges granted or extended hereunder, shall be subject to such reserved right, however said

reservation of right shall not be applicable to existing licenses issued prior to any statutory amendment.

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

**Source:**

Band Statute 1090-MLC-7, § 26.

#### **§ 4. Rules and Regulations.**

The Corporate Commission is authorized to issue all rules and regulations necessary for the implementation of Chapters 1 to 4 of this title.

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

**Source:**

Band Statute 1090-MLC-7, § 3.01.  
Band Ordinance 15-14, Title II, § 2.

#### **Cross References**

Powers and duties of Corporate Commission, *see* 16 MLBS § 111.

#### **§ 5. Jurisdiction of the Court of Central Jurisdiction; Damages.**

- (a) The Court of Central Jurisdiction is hereby conferred exclusive subject matter jurisdiction to resolve any and all disputes which may arise pursuant to any provisions of Chapters 1 to 4 of this title. The provisions of 5 MLBS §113, shall apply to any non-Indian who initiates any action in the Court of Central Jurisdiction pursuant to any provision of Chapters 1 to 4 of this title. All non-Indian persons who apply for and receive a license to engage in the sale of goods and/or services pursuant to provisions of Chapters 1 to 4 of this title shall be deemed to have voluntarily consented to the civil jurisdiction of the Court of Central Jurisdiction for all civil causes of action which arise herewith.
  
- (b) Any cause of action which arises pursuant to any provision of Chapters 1 to 4 of this title in which the Non-Removable Mille Lacs Band of Chippewa Indians or any of its political entities is named as a defendant shall be limited in relief to declaratory or injunctive measures and no damages monetary or otherwise, including but not limited to attorney fees, shall be permitted.

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

**Source:**

Band Statute 1090-MLC-47, § 25.

### **Cross References**

Damages, generally, *see* 24 MLBS § 651 et seq.

Subject matter jurisdiction, Court of Central Jurisdiction, *see* 5 MLBS § 111.

### **§ 6. Waiver of Sovereign Immunity.**

Nothing in this title shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe in any state or federal court.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 30.

Band Ordinance 15-14, Title II, § 3.

### **§ 7. Solicitor General Obligation.**

The Solicitor General shall represent the interest of the Non-Removable Mille Lacs Band of Chippewa Indians and the Corporate Commission in any matter arising from any provision of Chapters 1 to 4 of this title before the Court of Central Jurisdiction.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 31.

### **Cross References**

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

### **§ 8. Investigations Proceedings.**

The Commissioner of Corporate Affairs in his discretion may make investigations as he deems necessary to determine whether any person has violated or is about to violate any provisions of Chapters 1 to 4 of this title or any Commission Order issued pursuant thereto and to submit the results of this investigation to the Solicitor General for appropriate court action.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 11.

## **§ 9. Equality and Consistency in the Exercise of Powers and Duties.**

Notwithstanding the provisions of any other title of the Mille Lacs Band Statutes Annotated, the Corporate Commission and the Solicitor General may use any information in their possession, or to which they have access, to insure equal and consistent application and enforcement of the provision of this law which is administered by the Commission. This section shall not be construed as granting the Corporate Commission or Solicitor General any power to release information under their direct control to any exterior person, entity or government absent a due process hearing. All information collected shall be deemed highly classified and confidential.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-7, § 29.

## **§ 10. Violations.**

Any person who shall fail to comply with the licensing provisions of Chapters 1 to 4 of this title or any lawful Commission Order, or order of the Court of Central Jurisdiction shall be deemed guilty of the offense of obstruction of the lawful process, and upon conviction thereof, shall be sentenced to a suspension or revocation of the privilege to conduct commercial enterprise on lands subject to the jurisdiction of the Band for a period not to exceed one hundred eighty days or exclusion from said lands pursuant to provisions of 2 MLBS § 201 et seq [Digitizer's note: Section not in digital copy].

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 24.

Band Ordinance 15-14, Title II, § 4.

### **Cross References**

Licensing of commercial entities, *see* 18 MLBS § 101 et seq.

## **CHAPTER 2**

### **LICENSING OF COMMERCIAL ENTITIES**

#### **Section**

**101. Power to License.**

**102. Application for License.**

**103. Classes of Licenses.**

**104. Fees for Issuance of License.**

- 105. License Fee Revenue Distribution.**
- 106. Licenses Issued to Principal of Commercial Entity.**
- 107. License Period.**
- 108. License Renewal.**
- 109. Denial, Suspension, Revocation of License.**
- 110. Service of Process.**
- 111. Forfeiture of Goods.**
- 112. Power to Close Unlicensed Stores.**

**§ 101. Power to License.**

The Corporate Commission shall have the sole power and authority to license commercial entities who sell or offer for sale any goods and/or services to person(s) on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Any persons(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who desires to sell or offer for sale any goods and/or services of any material value or to sell or offer for sale the exchange of property, real or personal, as defined in 24 MLBS § 3302, with any Band member or Indian or any person subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians; or with the Non-Removable Mille Lacs Band of Chippewa Indians; or any political subdivision or entity thereof, shall upon establishing the fact to the satisfaction of the Corporate Commission that he is a proper person or entity to engage in such activity, be permitted to do so under such rules and regulations as the Corporate Commission may prescribe through the issuance of lawful Orders of the Commission. Any such Commission Order shall not be applicable to any commercial entity during the term of any existing license but shall become effective upon the issuance of a new license or upon renewal of an existing license.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 2.52

**§ 102. Application for License.**

- (a) Application for licenses must be made in writing on a form prescribed by the Corporate Commission, setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof, the place where it is proposed to carry on the sale of goods and services; the capital to be invested, the names of the clerks to be employed; the person responsible for the general books of account of the firm and the name of one other person exclusive of the owner who shall both be designated to receive service of process; and the business experience of the applicant. The application must be forwarded through the Commissioner of Corporate Affairs. Licensed entities will be held responsible for the conduct of their employees.

- (b) When an application for a license or permit is filed with the Commissioner of Corporate Affairs, the application shall be accompanied by a nonrefundable fee of ten dollars (\$10.00). The Corporate Commission shall be ninety days from the date of filing to approve or deny any application. Notwithstanding, the Commissioner of Corporate Affairs shall issue a temporary license valid for ninety days upon receipt and filing of said application.

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

**Source:**

Band Statute 1090-MLC-7, § 5.

#### **§ 103. Classes of Licenses.**

The Non-Removable Mille Lacs Band of Chippewa Indians hereby designates the following classes of licenses which shall be available for any commercial entity who desires to engage in the sale of any goods and/or services on lands subject to the jurisdiction of the Band. The following classes of licenses shall be made available to any person, company, corporation, association, partnership, cooperative, utility, or financial institution, be it public or private who seeks to engage in the sale of such goods or services on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. The class of license sought shall be issued according to the classification of the goods and/or services sold on said lands.

- (a) **Retail Sales License.** This license is available to a person who sells any goods and commodities at retail on lands under the jurisdiction of the Band.
- (b) **Entertainers License.** This license is available to a person who provides entertainment to the public. For example: a band, theater or dance troupe, etc.
- (c) **Professional Services License.** This license is available to a person who provides services in the practice of medicine and surgery, chiropractic, nursing, optometry, psychology, dentistry, pharmacy, podiatry, veterinary medicine, architecture, engineering, surveying, landscape architecture, accountancy and law.
- (d) **Utilities License.** This license is available to a person providing telephone, electrical, water, sewer, gas to the public.
- (e) **Public Accommodations License.** This license is available to a person providing lodging, prepared foods or beverages, and equipment rental to the public.
- (f) **Hawkers, Peddlers, Transient Merchants License.** This license is available to a person who transacts any temporary and transient business on lands under the jurisdiction of the Band including selling goods, wares, merchandise and distributing literature of any type.

- (g) **General Service License.** This license is available to a person who provides commercial services to the public, such as refuse disposal, plumbing, auto or equipment repair, electrical, carpentry, cleaning and maintenance services, personal care and other like general services.
- (h) **Special Events License.** This license is available to a person who conducts commercial activity usually on a one time per annum basis, but not exceeding three times per annum. Said activity does not occur on a regular or consistent basis.
- (i) **Miscellaneous License.** This license is available to a person who sells goods or services that do not fall into another category in subsections (a) to (h).

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-7, § 6.

**§ 104. Fees for Issuance of License.**

The following fee schedule based on annual gross sales of the licensed entity is hereby enacted for various classes of licenses offered in 18 MLBS § 103.

- (a) License fee for Commercial Services License is hereby established at:
 

\$0 to \$50,000.00	= \$75.00
\$ 50,001.00 to \$100,000.00	= \$100.00
\$100,001.00 and over	= \$150.00
- (b) License fee for Entertainers License is hereby established at fifty dollars (\$50.00).
- (c) License fee for Professional Services License is hereby established at:
 

\$0 to \$50,000.00	= \$75.00
\$ 50,001.00 to \$100,000.00	= \$100.00
\$100,001.00 and over	= \$150.00
- (d) License fee for Public Utilities License is hereby established at:
 

\$0 to \$50,000.00	= \$75.00
\$ 50,001.00 to \$100,000.00	= \$100.00

\$100,001.00 and over = \$150.00

(e) License fee for Public Accommodations License is hereby established at:

\$0 to \$50,000.00 = \$75.00

\$ 50,001.00 to \$100,000.00 = \$100.00

\$100,001.00 and over = \$150.00

(f) License fee for Hawkers, Peddlers, Transient Merchants License is hereby established at:

\$0 to \$50,000.00 = \$25.00

\$ 50,001.00 to \$100,000.00 = \$40.00

\$100,001.00 and over = \$50.00

(g) License fee for General Commercial Services License is hereby established at:

\$0 to \$50,000.00 = \$75.00

\$ 50,001.00 to \$100,000.00 = \$100.00

\$100,001.00 and over = \$150.00

(h) License fee for One-Time Special Events is hereby established at fifty dollars (\$50.00).

(i) License fee for Miscellaneous License is hereby established at:

\$0 to \$50,000.00 = \$75.00

\$ 50,001.00 to \$100,000.00 = \$100.00

\$100,001.00 and over = \$150.00

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

**Source:**

Band Statute 1090-MLC-47, § 7.

**§ 105. License Fee Revenue Distribution.**

All revenue derived from license fees from this title shall be forwarded on the first day of each month to the Commissioner of Finance who shall superintend and manage said funds until lawfully disbursed pursuant to formal Revenue Resolution of the Band Assembly.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 23.

**§ 106. Licenses Issued to Principal of Commercial Entity.**

The Corporate Commission shall issue licenses only in the name of the principal owner of any commercial entity who transacts business pursuant to provisions of this title. Any said license issued pursuant to provisions of this title is nontransferable.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 13.

**§ 107. License Period.**

License to sell or offer for sale any goods and/or services to any person subject to the jurisdiction of the Band shall be valid throughout the calendar year in which it is issued.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 8.

**§ 108. License Renewal.**

Application for renewal of license shall be made to the Commissioner of Corporate Affairs on an appropriate form at least thirty days prior to the expiration of the existing license and the Commissioner must report to the Corporate Commission as to the record the applicant has made and his fitness to continue as a commercial entity under a new license.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 9.

**§ 109. Denial, Suspension, Revocation of License.**

- (a)
  - (1) The Corporate Commission may by order deny any application or suspend or revoke any license or registration if it finds that the applicant, registrant or licensee:
    - (i) has filed an application for a license or registration which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;
    - (ii) has engaged in a fraudulent, deceptive or dishonest practice;
    - (iii) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of conducting commercial activity;
    - (iv) has violated or failed to comply with any provision of this chapter or any Commission Order issued pursuant thereto.
  - (2) Any applicant for a license or licensee or registrant shall be accorded due process rights to a hearing pursuant to provisions of subsection (c)(1), prior to revocation, suspension or denial action.
- (b) The Corporate Commission may promulgate rules and regulations further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for commercial activity.
- (c)
  - (1) The Court of Central Jurisdiction may issue an order requiring a licensee, registrant or applicant for a license or registration to show cause why the license or registration should not be revoked or suspended. In the case of the denial of an application, the Corporate Commission may issue such a show cause order. All orders shall be calculated to give reasonable notice of time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with 24 MLBS § 2001 et seq. After the hearing, the court shall enter an order making such disposition of the matter as the facts require. In the case of hearings before the Corporate Commission, the Commission shall enter an order making such disposition of the matter as the facts require. Any such order may be appealed to the Court of Central Jurisdiction.

- (2) If the licensee, registrant or applicant fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

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

**Source:**

Band Statute 1090-MLC-47, § 10.

#### **§ 110. Service of Process.**

All commercial entities that sell or offer for sale any goods and/or services on lands subject to the jurisdiction of the Band, but do not maintain an office on lands subject to the jurisdiction of the Band shall be subject to service of process as follows: by service thereof on its registered agent within the Band or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records or upon the person who is an agent of the commercial entity or by placing a copy of said process in registered and regular United States mail at the last known address.

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

**Source:**

Band Statute 1090-MLC-47, § 14.

#### **§ 111. Forfeiture of Goods.**

Any person who shall attempt to conduct commerce on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians as a commercial entity, or to introduce goods, offer for sale any services or to conduct commercial activity therein without a license, shall forfeit all merchandise offered for sale to any person or the Band which is found in his possession to the Non-Removable Mille Lacs Band of Chippewa Indians.

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

**Source:**

Band Statute 1090-MLC-47, § 4.

#### **§ 112. Power to Close Unlicensed Stores.**

If persons carry on commercial activities within the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with any person under the jurisdiction of the Band or the Band or entity of the Band without a license, or continue to conduct commerce after expiration of the license without applying for renewal, the Commissioner of Corporate Affairs will immediately

report the facts to the Solicitor General who may, if necessary, direct the Law Enforcement officials to close the store of such commercial entities. The Solicitor General shall within forty-eight hours file a proper complaint in the Court of Central Jurisdiction and seek permanent or temporary injunctive relief from the court whichever is appropriate.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 12.

## **CHAPTER 3**

### **REGULATION OF TRADE**

#### **Section**

- 201. Inspection of Prices.**
- 202. Credit at Seller's Risk.**
- 203. Cash Payment Only to Any Band Member.**
- 204. Government Checks Paid in Cash.**
- 205. Premises Kept in Sanitary Condition.**
- 206. Tobacco Sales to Minors.**
- 207. Imitation Indian-Made Goods and Commercially Grown Wild Rice Prohibited.**
- 208. Corporate Commission Authorizations.**
- 209. Pawnbrokers and Junk Dealers.**

#### **§ 201. Inspection of Prices.**

- (a) It is the duty of the Commissioner of Corporate Affairs, to see that the prices charged by commercial entities are fair and reasonable. To this end the commercial entities shall on request submit to the Commissioner or inspecting officials the original invoice, showing cost, together with a statement of transportation charges, retail price of articles sold by them, the amount of Indian accounts carried on their books, the total annual sales, the value of buildings, the number of employees, and any other business information such officials may desire. The quality of all articles kept on sale must be good merchandise. The Commissioner shall conduct any such inspection upon receipt of any complaint from any person.
- (b) The Corporate Commission shall promulgate standards for fair and reasonable inspection of any commercial entity located on lands subject to the jurisdiction of the Band, so as to prevent bias. No inspections shall occur until said standards have been promulgated.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 16.

### **§ 202. Credit at Seller's Risk.**

Credit given to any Band members, will be at the seller's own risk, as no assistance will be given by Government officials in the collection of debts against any Band members other than that specified in 24 MLBS § 3001 et seq. Commercial entities shall not accept pawns or pledges of personal property by any Band members to obtain credit or loans. Receipts must be given to all articles they have sold to commercial entities and on which they have requested book credit. These receipts must show the following information: The date the transaction was made, the amount paid the Band member and a description of the article or articles sold. All receipts issued by the commercial entity for Band members products must be recorded in the commercial entity's book in such manner that all information contained in the receipt is duplicated. Receipts may be transferred upon order of the initial recipient if it is to his convenience that such a procedure be followed.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 17.

### **§ 203. Cash Payment Only to Any Band Member.**

Commercial entities must not pay Band members in tokens, tickets, store orders or anything else of that character. Payment must be made in money, or in credit if the Band member is indebted to the commercial entity.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 18.

### **§ 204. Government Checks Paid in Cash.**

Commercial entities must pay all government checks accepted in cash, merchandise or credit to the full value of the check presented. The acceptance of cash, merchandise, or credit for government checks shall be at the option of the Band member in all cases.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 19.

**§ 205. Premises Kept in Sanitary Condition.**

The commercial entities shall keep both their premises and place of business in a clean, sanitary and presentable condition at all times and shall avoid exposure of foodstuff to infection from the air, dust, insects or handling. It shall be the duty of the Commissioner of Human Services of the Band and his/her assistants to make periodical inspections, recommend improvements and report thereon to the Commissioner of Corporate Affairs or his duly authorized representative.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 20.

**§ 206. Tobacco Sales to Minors.**

No commercial entity shall sell tobacco, cigars, or cigarettes to any Band member under 18 years of age.

**Historical and Statutory Notes**

**Source:**

Band Statute 1090-MLC-47, § 15.

**§ 207. Imitation Indian-Made Goods and Commercially Grown Wild Rice Prohibited.**

- (a) No person shall introduce or have in his possession for disposition or sale to Band members or others, within the exterior boundaries of lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, any goods, wares, and merchandise known as moccasins, bead work, birchbark baskets, deerskin work, grass rugs, sweet grass baskets, and other goods which are manufactured or produced in imitation of genuine American Indian-made goods, wares, or merchandise without first clearly branding, labeling or marking said goods, wares or merchandise as imitation of genuine American Indian-made goods, wares or merchandise. For purposes of this section, Indian-made goods are those made exclusively by persons who are at least one-quarter Indian blood or who are listed on the rolls of any federally recognized Indian tribe, Band or community.
- (b) The brand, label or mark required by subsection (a) shall be the words "not Indian-made" and shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public, and shall be the size and style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it, but when such branding or marking is impossible, a label shall be used and attached thereto.

- (c) Any person injured by violation of subsection (a) may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the Court of Central Jurisdiction.
- (d) No person shall sell, offer for sale, or have in his possession for the purpose of sale any commercially grown wild rice.
- (e) All such imitation Indian-made goods which are mislabeled, in violation of subsection (a) and commercially grown wild rice introduced in violation of subsection (d) shall be subject to seizure by any law enforcement officer of the Band in the event that any person shall introduce or intend to introduce for purposes of sale to the general public such goods and/or commercially grown wild rice.

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

**Source:**

Band Statute 1090-MLC-47, § 22.

#### **§ 208. Corporate Commission Authorizations.**

- (a) The sale of alcohol at any Mille Lacs Band of Ojibwe Gaming enterprise is hereby specifically authorized.
- (b) The Corporate Commission is authorized, whenever in its opinion the public interest may require, to prohibit the introduction of goods, or of any particular articles, into the country belonging to the Non-Removable Mille Lacs Band of Chippewa Indians and direct that all licenses to sell or offer for sale any goods and/or services with persons or the Band be revoked, and all applications therefore rejected. No commercial entity shall, so long as such prohibition exists, sell or offer for sale any goods and/or services with any entity of the Band and for said Band, or to any person subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

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

**Source:**

Band Statute 1090-MLC-47, § 3.  
Band Ordinance 23-19.

#### **§ 209. Pawnbrokers and Junk Dealers.**

- (a) Every pawnbroker or junk dealer subject to the jurisdiction of the Court must keep a detailed register in which must be entered the description of every article pawned by him/her or purchased by him/her with the date of pawning or purchasing date when the article must be redeemed, with the name of the person by whom the article was

pawned, or by whom purchased and the amount loaned thereon or paid thereof, and in case of the sale of any article pawned or pledged, the pawnbroker or junk dealer must enter upon said register the name of the purchaser, the time of the sale and the price paid therefore and the register must always be open to inspection and examination of any law enforcement officer.

- (b) Furthermore, no person may carry on the business of pawnbroker or junk dealer by receiving goods pawned, or in pledge for loans, at any rate of interest higher than is allowed pawnbrokers of junk dealers under Federal regulation. There must be no other or greater amount received by and pawnbroker or junk dealer, his/her employee or agents, for interest, commission, discount, storage or caring for property pledged than the rate allowed under Federal regulations.
- (c) Failure to comply with the terms and conditions of this section shall constitute an offense, punishable upon conviction of a sentence to labor for a period not to exceed 180 days, and/or by a fine not to exceed \$500.00, and the violator may be subject to other related charges under provisions of the Mille Lacs Band Statutes Annotated such as 24 MLBS § 1154. The Court may order the violator to cease and desist from any further business as pawnbroker or junk dealer until full compliance with this section is to the satisfaction of the Court.

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

**Source:**

Band Statute 1164-MLC-6, § 28.

## **CHAPTER 4**

### **UNIFORM COMMERCIAL CODE**

#### **Section**

**301. Enactment.**

**302. Amendments.**

#### **§ 301. Enactment.**

The Band Assembly hereby enacts the Uniform Commercial Code of the State of Minnesota-Minnesota Statutes, Chapter 336 as the Uniform Commercial Code for the Non-Removable Mille Lacs Band of Chippewa Indians. The Justices of the Court of Central Jurisdiction shall be bound by the provisions of Minnesota Statutes, Chapter 336 in all causes of action which arise pursuant thereto. Exclusive subject matter jurisdiction is hereby conferred to the Court of Central Jurisdiction.

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

**Source:**

Band Statute 1090-MLC-7, § 28.

**Cross References**

Applicability to motor vehicle lien holders, *see* 19 MLBS § 18 [Digitizer's note: Section not in digital copy].

Applicability to watercraft, *see* 20 MLBS § 11.

Subject matter jurisdiction, Court of Central Jurisdiction, *see* 5 MLBS § 111.

**§ 302. Amendments.**

Band Statute 1090-MLC-47 (*see*, now, 18 MLBS § 301) adopted the Uniform Commercial Code as adopted by the State of Minnesota. Should the State of Minnesota amend or change its Uniform Commercial Code after the enactment of the above mentioned Statute, the Commissioner of Corporate affairs may, in his discretion, adopt those amendments or changes into Band law via a Commissioner's Order.

**Historical and Statutory Notes**

**Source:**

Band Statute 1202-MLC-16A, § 16.

**Cross References**

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

**CHAPTER 5**

**TRIBAL EMPLOYMENT RIGHTS - REPEALED**

**Historical and Statutory Notes**

**Source:**

Band Ordinance 41-22 (Tribal Employments Rights has been moved to Title 15).

## CHAPTER 6

### MINIMUM WAGE

#### Section

- 501. Payment of Minimum Wages.
- 502. Gratuities Not Applies.
- 503. Sharing of Gratuities.
- 504. Unreimbursed Expenses Deducted.
- 505. Expense Reimbursement.
- 506. Overtime.
- 507. Work Breaks.
- 508. Meal Breaks.
- 509. Authorized Leave.
- 510. Application.

#### Historical and Statutory Notes

The Preamble and § 11 of Band Ordinance 30-98 (this Chapter) provides: “Preamble. It is enacted by the band Assembly of the Mille Lacs Band of Ojibwe for the purpose of establishing minimum wage standards for workers within the territorial jurisdiction of the Mille Lacs Band.”

“Section 11. Effective Date. This Act shall become effective October 1, 1998.”

The title of Band Ordinance 19-08 is: “An ordinance amending the minimum wage standard for workers within the territorial jurisdiction of the Mille Lacs Band of Ojibwe in order to comply with the federal guidelines.”

The Preamble and § 11 of Band Ordinance 19-08 provides: “Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending the minimum wage standards for workers within the territorial jurisdiction of the Mille Lacs Band of Ojibwe.”

“Section 11. Effective Date. This Act shall become effective July 24, 2008.”

#### § 501. Payment of Minimum Wages.

- (a) For purposes of this Chapter, the terms defined in this paragraph have the following meaning:
  - (1) “**Large Employer**” means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000.00, exclusive of excise and sales taxes that are collected at the retail level.

- (2) **“Mille Lacs Band”** or **“Band”** means the Mille Lacs Band of Ojibwe or any political subdivision thereof.
- (3) **“Salary”** means wages paid periodically in contrast to wages based on an hourly rate.
- (b) Except as may otherwise be provided for in this Chapter, the Band and every Large Employer must pay wages to each employee in the minimum amount of \$8.50 per hour unless a higher amount is required under applicable law.
- (c) Except as may otherwise be provided for in this Chapter, every “Small Employer” must pay each wages to each employee in the minimum amount of \$6.55 per hour unless a higher amount is required under applicable law.
- (d) A “Large Employer” must pay each employee at a rate of at least the minimum wage set by this section without the reduction for training wage or full-time student status allowed by federal law.
- (e) Any governmentally funded program, whether Band, federal or state, that employs students enrolled in educational classes is expressly exempt from the provisions of this section.

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

**Source:**

Band Ordinance 30-98, § 1.  
Band Ordinance 19-08, § 1.  
Band Ordinance 45-14.

#### **§ 502. Gratuities Not Applied.**

- (a) An employer may not directly or indirectly credit, apply or otherwise utilize gratuities towards payment of the minimum wage set by this section or any other applicable law.
- (b) Notwithstanding any provision of this Chapter to the contrary, an employer shall not be required to pay an employee receiving 30% or more of their earnings from tips or gratuities, the amount of the Band’s minimum wage rate prescribed in § 501 of this Chapter. Instead such an employee shall be entitled to receive a minimum wage at the federal rate for employees of this type.

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

**Source:**

Band Ordinance 30-98, § 2.

Band Ordinance 19-08, § 2.

**§ 503. Sharing of Gratuities.**

- (a) All tips or gratuities may be retained by employees receiving such tips or gratuities.
- (b) Notwithstanding the provisions of paragraph (a) of this section, any tip or gratuity received by an employee and deposited in a fund or pool operated for the benefit of such type of employees to be to be shared equally shall be permissible.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 3.  
Band Ordinance 19-08, § 3.

**§ 504. Expenses that are Not Reimbursed that May Be Deducted.**

Deductions, direct or indirect, from wages or gratuities not authorized under this section may only be taken as otherwise authorized by law. Deductions, direct or indirect, up to the full cost of an individual's uniform or individual's piece of work equipment as listed below, may not exceed fifty dollars and no cents (\$50.00). No deductions, direct or indirect may be made for the items listed below which when subtracted from wages would reduce the wage below the allowable minimum:

- (a) Purchased or rented uniforms or specifically designed clothes required by the employer, due to the nature of the employment or by law as a condition of the employment, which are not generally appropriate for use except in that employment;
- (b) Purchased or rented equipment used in employment, except as tools of trade, motor vehicle or any other equipment which may be used outside the employment;
- (c) Travel expenses in the course of employment except those incurred in traveling to and from the employee's residence and place of employment.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 4.  
Band Ordinance 19-08, § 4.

**§ 505. Expense Reimbursement.**

An employer, at the termination of an employee's employment, must reimburse the full amount deducted, directly or indirectly, for any of the items listed in § 504 of this Chapter. When reimbursement is made, the employer may require the employee to surrender any existing items for which the employer provided reimbursement.

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

**Source:**

Band Ordinance 30-98, § 5.  
Band Ordinance 19-08, § 5.

#### **§ 506. Overtime.**

- (a) An employer may not employ an employee for a workweek longer than (40) hours, unless the employee receives compensation for employment in excess of (40) hours at a rate of at least 1½ times the employee's wage. An employer may also grant compensatory time off at the rate of 1½ hours for each hour worked in excess of (40) hours in lieu of monetary compensation.
- (b) An employer does not violate this § 506 if the employer and employee agree before the performance of a work week, to accept to work period of (14) conservative days in lieu of a work week of (7) consecutive days. In such an arrangement, overtime compensation for the employment in excess of eight hours in any workday and in excess of eighty (80) hours in the fourteen (14) day period, the employee shall receive pay or compensatory time off at a rate not less than 1½ times the regular rate at which the employee is employed.
- (c) This section shall not apply to employees receiving a Salary.

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

**Source:**

Band Ordinance 30-98, § 6.  
Band Ordinance 19-08, § 6.

#### **§ 507. Work Breaks.**

An employer must allow each employee a 15-minute break from work within each four consecutive hours of work.

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

**Source:**

Band Ordinance 30-98, § 7.  
Band Ordinance 19-08, § 7.

**§ 508. Meal Breaks.**

- (a) An employer must permit each employee who is working for eight or more hours at least 30 minutes to eat a meal.
- (b) Nothing in this section requires the employer to pay the employee during the meal break.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 8.  
Band Ordinance 19-08, § 8.

**§ 509. Authorized Leave.**

Any employee may not unreasonably be denied time-off from work to attend Midewin or Drum Society Ceremonies.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 9.  
Band Ordinance 19-08, § 9.

**§ 510. Application.**

The provisions of this Chapter shall apply within the territorial jurisdiction of the Mille Lacs Band of Ojibwe.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 30-98, § 10.  
Band Ordinance 19-08, § 10.

**CHAPTER 7**

**RIGHT TO WORK**

## **Section**

- 601. Findings and Determinations.**
- 602. Definitions.**
- 603. Right to Work.**
- 604. Prohibition of Strikes.**
- 605. Jurisdiction.**
- 606. Civil Remedies.**
- 607. Complaint Process.**
- 608. Enforcement.**

### **Historical and Statutory Notes**

The Title of Band Ordinance 55-08 (this Chapter) is: “An Ordinance amending Title 18 of Mille Lacs Band Statutes Annotated (Commercial Practices) to add Chapter 7 – Right to Work.

The preamble of Band Ordinance 55-08 provides: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Title 18 of the Mille Lacs Band Statutes Annotated (Commercial Practices) to add Chapter 7 to be entitled ‘Right to Work.’”

### **§ 601. Findings and Determinations.**

The Band Assembly hereby finds and determines:

- (a) The Mille Lacs Band of Ojibwe has the inherent power to maintain a Band government which may enact laws to preserve the sovereignty of the Band and to promote and maintain individual rights and promote the general welfare of the people of the Band.
- (b) With the recent expansion of economic development, employment within the jurisdiction of the Band has grown substantially, and the Band has exercised its sovereignty in enacting laws to govern employment relationships.
- (c) The right to work on land within the jurisdiction of the Band is a fundamental right that should not be abridged.
- (d) No person should be forced to join or be penalized for not joining a union or other collective bargaining organization and should be able to make that choice freely and voluntarily.
- (e) The Mille Lacs Band of Ojibwe enacts this law governing employment and labor pursuant to the Band’s inherent sovereign authority to govern activities on lands within the jurisdiction of the Band, whether the activities are of Band members, nonmembers, Indians, or non-Indians, and whether based on consensual relationships with the Band or conduct which impacts and affects the health, safety, political and economic integrity of the Band and the community including Band members, employees, vendors, patrons and others.

## Historical and Statutory Notes

**Source:**

Band Ordinance 55-08, § 1.

**§ 602. Definitions.**

- (a) **“Employer”** means any person, firm, association, corporation, government or any subdivision thereof and other entity operating within the jurisdiction of the Band and directly or indirectly employing one or more persons to perform work, except for any such person, firm, association, or corporation which has a principal place of business located outside the jurisdiction of the Band and operates pursuant to an Agreement with the Band or Band entity to perform construction related activities.
- (b) **“Labor organization”** means any organization or agency or group of employees or employee committee or plan in which employees participate that is organized or exists for the purpose of dealing with an employer or employers concerning hours of employment, wages, rates of pay, working conditions or grievances of any kind relating to employment.
- (c) **“Labor dispute”** includes any controversy concerning terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment whether or not the disputants stand in the proximate relationship of employer and employee.
- (d) **“Person”** means any individual, labor organization, corporation, partnership, company, association or other legal entity, including the Mille Lacs Band of Ojibwe and any subdivision thereof and the Corporate Commission of the Mille Lacs Band of Ojibwe.
- (e) **“Strike”** means any temporary stoppage, reduction, disruption or slowdown of work by the concerted action of two or more employees as a result of a labor dispute.
- (f) **“Union dues”** means dues, fees, assessments or other charges of any kind or amount or their equivalents paid or payable, directly or indirectly, to a labor organization or its agents and includes payments to any charity or other third party in lieu of such payments to a labor organization.

## Historical and Statutory Notes

**Source:**

Band Ordinance 55-08, § 2.

**§ 603. Right to Work.**

- (a) No person shall be required, as a condition of employment, or continuation of employment, within the jurisdiction of the Band, to do any of the following:
  - (1) Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
  - (2) Become or remain a member of a labor organization; or
  - (3) Pay union dues as defined in this chapter.
- (b) Any agreement between any labor organization and any employer that violates subsection (a) or otherwise violates the rights of persons defined by this chapter is of no legal effect. This chapter does not bar any person from voluntarily obtaining or maintaining membership in any labor organization or from voluntarily paying union dues as defined in this chapter.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 55-08, § 3.

**§ 604. Prohibition of Strikes.**

- (a) No person shall engage in a strike and no person shall cause, instigate, encourage, or condone a strike.
- (b) For purposes of this section, if a person is absent from work, or abstains wholly or in part from the full performance of his or her normal duties, on the date or dates when a strike occurs, it shall create a rebuttable presumption to have engaged in such strike on such date or dates.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 55-08, § 4.

**§ 605. Jurisdiction.**

The Court of Central Jurisdiction shall have jurisdiction over all causes of action alleging violations of this chapter. Nothing provided in this chapter shall be deemed to be a waiver of the sovereign immunity of the Mille Lacs Band of Ojibwe from suit. Nothing provided in this chapter shall diminish the immunity protections of 2 MLBS § 5 and 16 MLBS § 109.

**Historical and Statutory Notes**

**Source:**

**§ 606. Civil Remedies.**

Any person injured as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to petition the Court of Central Jurisdiction for injunctive relief from or against any person who violated or threatens any violation of this chapter, and may, in addition thereto, file a claim to recover actual damages resulting from the violation or threatened violation. The remedy shall be independent of, and in addition to, any other penalties and remedies prescribed by applicable law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 55-08, § 6.

**§ 607. Complaint Process.**

- (a) **Petition.** Any person injured as a result of any violation or threatened violation of the provisions of this chapter shall first petition the Court of Central Jurisdiction for a show cause hearing. The Petition shall include a statement of the facts constituting the violation or threatened violation of the provisions of this chapter and the specific relief requested. The Petition shall also be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.
- (b) **Notice of Hearing.** The Clerk of Court shall schedule a hearing within 30 days after receipt of the Petition. The Clerk shall submit a Notice of Hearing to the person against whom the action is being instituted. The Notice shall state that the person has a right to appear at this hearing on his or her own behalf or with an attorney. The person shall have a right to present defenses to the claim and to state the reasons why the Petition should be denied. The Petition shall clearly state a claim to the violation of this chapter and the damages sought. Finally, the notice shall clearly state that if the person fails to appear at the hearing the Court has the authority to enter a default judgment on behalf of the Petitioner and direct that the requested relief be immediately granted.
- (c) **Emergency Procedure.**
  - (1) Where an application under this chapter alleges an immediate and present violation or threatened violation of § 4 of this chapter, the court may grant an ex-parte temporary order enjoining the violation or threatened violation.
  - (2) An ex-parte temporary order shall be effective for a fixed period not to exceed 14 days. A full hearing as provided by this chapter shall be set for not

later than 7 days from the issuance of the temporary order. The respondent shall be served forthwith a copy of the ex-parte order along with a copy of the petition and affidavit and notice of the date set for the hearing.

- (3) Service of Order. Any order issued under this chapter shall be personally served upon the respondent.

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

**Source:**

Band Ordinance 55-08, § 7.

#### **§ 608. Enforcement.**

- (a) The Court of Central Jurisdiction shall have the judicial authority to provide an equitable remedy in the execution its judgments and determinations to promote the general welfare, preserve and maintain justice, and to protect the rights of all persons under the jurisdiction of the Mille Lacs Band of Ojibwe.
- (b) The Court of Central Jurisdiction shall have the power to issue orders to prevent an injustice or injury, require action or conduct, and issue any other orders as are necessary in the furtherance of justice.

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

**Source:**

Band Ordinance 55-08, § 8.