

Mille Lacs Band Statutes Annotated

Amendments received through: May 14, 2004

TITLE 2 - BAND GOVERNMENTAL POWER AND SOVEREIGNTY

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Historical and Statutory Notes

The Preamble of Band Statute 1141-MLC-2 provides: "WHEREAS, in 1981, the Non-Removable Mille Lacs Band of Chippewa Indians, in a historic step, adopted a form of government based on the principle of division of powers, and,

"WHEREAS, that form of government has proven to be highly satisfactory, but experience with the large body of law which was necessary to establish the system has revealed a number of flaws and ambiguities, and,

"WHEREAS, the Band Assembly has determined to improve Band government by adopting an entire Code of government, revising and replacing the former Code, NOW THEREFORE, IT IS ENACTED BY THE BAND ASSEMBLY:"

Band Statute 1141-MLC-2, §§ 1 and 2 provide: "Section 1. Purpose. The purpose of this act is to promote the general welfare of the Non-Removable Mille Lacs Bands of Chippewa Indians and its members by establishing duties, purposes and procedures for the conduct of domestic and external affairs of the Band by a form of government based upon the principle of division of powers. This statute is enacted by the authority vested in the Mille Lacs Reservation Business Committee under Article VI, Section 1 of the Constitution of the Minnesota Chippewa Tribe. "Section 2. Scope of Amending Provision. Band Statutes 1001-MLC-1, 1002-MLC-02, 1008-MLC-1, 1011-MLC-5, 1024-MLC-3, 1032-MLC-1, 1033-MLC-1, 1037-MLC-2, 1039-MLC-1, 1063-MLC-5 are hereby repealed in their entirety and replaced by the provisions of this act, except that: "Section 2.01. The provisions of Band Statute 1032-MLC-1, Section 28, relating to the authorities of the Commissioner of Corporate Affairs shall be transferred and hereinafter referenced by Band Statute 1077-MLC-16, Section 5.

"Section 2.02. The provisions of Band Statutes 1032-MLC-1, Section 29, relating to the authorities of the Commissioner of Natural Resources shall be transferred and hereinafter referenced by Band Statute 1030-MLC-22, Section 32."

The Title of Band Ordinance 40-03 is “An Ordinance to Increase the Geographic Jurisdiction for Housing Renovation Services.”

The Preamble of Band Ordinance 40-03 provides: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe to increase the Geographic Jurisdiction for Housing Renovation Services.”

Sections 1, 2 and 5 of Band Ordinance 40-03 provide: “Section 1. Title 2 Mille Lacs Band Statutes Annotated section 10 (referred to in this Act as 2 MLBS sec. 10), “Geographical Jurisdiction for Services” is repealed by this Act and replaced as follows.

“Section 2. 2 MLBS sec. 10(a) shall be as stated in Section 3 of this Act and 2 MLBS sec. 10(b) shall be as stated in Section 4 of this Act.

“Section 5. The effective date of this law is October 1, 2002.”

CHAPTER 1

GENERAL PROVISIONS

Section

- 1. Derivation of Powers.**
- 2. Written and Unwritten Laws.**
- 3. Division of Powers.**
- 4. Functions of Governmental Authority.**
- 5. Sovereign Immunity.**
- 6. Official Seal.**
- 7. Contracts with Band.**
- 8. Official Oath of Office.**
- 9. Code of Ethics.**
- 10. Geographical Jurisdiction for Services.**
- 11. Designation of Band Districts.**
- 12. Waiver for Special Dispensation.**

§ 1. Derivation of Powers.

All political powers of the Non-Removable Mille Lacs Bands of Chippewa Indians derive from the aboriginal rights of the Band comprised of the Non-Removable Sandy Lake Band of Chippewa Indians, the Rice Lake Band of Chippewa Indians, Snake River Chippewa Indians and the Kettle River Band of Chippewa Indians, and the inherent and aboriginal rights of the people of the Band to self-government. Some of these rights have been delegated to establish a constitutional form of government in which the Constitution of the Minnesota Chippewa Tribe is the supreme law of the Band. The Band has reserved to itself, however, the 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.

Historical and Statutory Notes

Source: Band Statute 1142-MLC-2, § 3.

Cross References

Protection for cultural values, *see* 1 MLBS § 13.

§ 2. Written and Unwritten Laws.

All the organs of Band government are subject to written laws, consistent with the authority delegated by the constitution and unwritten laws based upon the customs and traditions of our Band since time immemorial.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-2, § 3.01.

§ 3. Division of Powers.

To accomplish a fair and just exercise of authorities conferred by the people in the Constitution, the authorities of government shall be balanced by dividing such authorities so that no one person or governmental entity shall have absolute power.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-2, § 3.02.

Cross References

Band Assembly District Representatives, prohibition against exercising Executive or Judicial powers, *see* 3 MLBS § 8.

Joint Session of the Band Assembly, *see* 3 MLBS § 24.

Solicitor General, investigations and prosecutions against members of all three branches, *see* 24 MLBS § 1054.

§ 4. Functions of Governmental Authority.

The authority of government conferred pursuant to Articles I, VI and XIII of the Constitution of the Minnesota Chippewa Tribe is hereby divided into three functions. The three functions of our Band government shall be executive, legislative and judicial.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-2, § 4.

Cross References

Executive political authority, *see* 4 MLBS § 2.

Joint Session of the Band Assembly, *see* 3 MLBS § 24.

Judicial authority, *see* 5 MLBS § 101

Legislative political authority, *see* 3 MLBS § 1.

§ 5. Sovereign Immunity.

- (a) The Band Assembly shall direct by law, in what manner, and in what courts, suits may be brought against the Non-Removable Mille Lacs Bands of Chippewa Indians. Except as specifically authorized by Band Statute, the Non-Removable Mille Lacs Bands of Chippewa Indians shall not be subject to suit in any court of competent jurisdiction without its express written consent to such suit. The sovereign immunity of the Non-Removable Mille Lacs Bands of Chippewa Indians shall apply unless expressly waived by Band statute.

- (b) Under no circumstances or matters of material fact shall the Band Assembly waive sovereign immunity for the provisions of services to members of the Non-Removable Mille Lacs Band of Chippewa Indians, when said members as citizens of the state of Minnesota meet eligibility guidelines to receive said services. Any said official of the Band shall have no authority, upon his authorization of any contractual document to consent, on behalf of the Band to suit in any court of competent jurisdiction or to submit to any binding arbitration utilizing the civil rules of procedure of the United States of America or the state of Minnesota in any dispute which involves the Band. Therefore, the appearance of any signature of any official of the Non-Removable Mille Lacs Band of Chippewa Indians to any contractual document shall be valid only for the purposes of implementing the Indian Self Determination and Education Assistance Act of 1975, Public Law 93-638 (25 U.S.C.A. § 450 et seq.) by providing assistance to Indians from Indians. The foregoing shall be liberally construed so as to effectuate the purposes thereof.

Historical and Statutory Notes

Source:

Band Statute 1085-MLC-37, § 75.01.

Band Statute 1142-MLC-2, § 30.

§ 6. Official Seal.

The Official Seal of the Non-Removable Mille Lacs Band of Chippewa Indians shall be affixed to all official documents of the Executive and Legislative Branches of government for the Non-Removable Mille Lacs Bands of Chippewa Indians. Any document of the Executive or

Legislative Branch that is required to possess the Official Seal affixed shall have no force or effect and no weight in law until such time as the Seal is affixed.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-2, § 35.

§ 7. Contracts with Band.

All contractual or other types of agreements, regardless of subject matter shall be executed on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians and contain the official seal of the Band to be of any force and effect in any court of law. All said contract or contracts entered into in violation of this Section shall be of no force or effect.

Historical and Statutory Notes

Source:

Band Statute 1085-MLC-37, § 75.

Cross References

Contracts with Indian tribes, *see* 25 U.S.C.A. § 81 et seq.

§ 8. Official Oath of Office.

The Chief Justice, or any other Justice of the Court of Central Jurisdiction, before the Band Assembly shall administer the official Oath of Band Office to all popularly-elected leaders of the Band and to any appointee of the Band. The Oath shall be: "I, (name of officer), do hereby swear that I will support, honor and protect the Constitution of the Minnesota Chippewa Tribe, the Constitution of the United States of America, and the laws of the Non-Removable Mille Lacs Band of Chippewa Indians, and I will protect the rights of Band members and others under the jurisdiction of the Non-Removable Mille Lacs Bands of Chippewa Indians, and I will faithfully and impartially discharge the duties of the office to which I hold to the best of my judgment and ability, so help me gi chi ma ni do.

Historical and Statutory Notes

Source: Band Statute 1142-MLC-2, § 34.

Cross References

Federation Cultural Resources Board, oath of office, *see* 10 MLBS § 106.
Oath for Band offices, *see* 5 MLBS § 15.

§ 9. Code of Ethics.

The Band Assembly shall establish by law a code of ethics to govern the behavior of all elected and appointed officers of the Non-Removable Mille Lacs Bands of Chippewa Indians.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-2, § 18.

Cross References

Recall of appointed officials, violations of code of ethics, *see* 4 MLBS § 15.

§ 10. Geographical Jurisdiction for Services.

- (a) **General Geographic Service Area.** Enrolled members of the Non-Removable Mille Lacs Band of Ojibwe who reside on trust and/or allotted land or who reside within a thirty-mile radius of such trust and/or allotted land shall be entitled to participate in the Cultural, Natural Resources, Economic, Social, Educational, Health and General Welfare Resources of the Band Government as authorized by Article XIII of the Constitution of the Minnesota Chippewa Tribe.
- (b) **Geographical Service Area for Housing Renovations.** The Geographical Service Area for Housing Renovation Services shall be any place in the State of Minnesota and on any other lands which are located within fifty (50) miles of Mille Lacs Band trust or allotted lands.
- (c) **Geographical Service Area for administering TANF.** The Geographical Service Area for administering TANF shall be the Minneapolis/St. Paul urban areas of Hennepin, Anoka, and Ramsey Counties in addition to the geographical Jurisdiction in Title, 2, section 2 and shall be in accordance with a plan submitted by the Commissioner of Education and approved by the Band Assembly.

Historical and Statutory Notes

Source:

Band Statute 1142-MLC-3, § 25.

Band Ordinance 40-03, §§ 3 and 4. Band Ordinance 11-04, § 2.

§ 11. Designation of Band Districts.

- (a) District I of the Mille Lacs Bands of Chippewa Indians shall be known as Nay-ah-Shing. All trust and/or allotted land within the aforementioned geographical radius with the exception of Chi-mi-ni-sing, (Isle) shall constitute the service jurisdiction of District I.

- (b) District II of the Mille Lacs Bands of Chippewa Indians shall be known as Ga-me-ta-wa-ga-gi-mog, (Sandy Lake) and be comprised of the following geographical locations: Mi-ni-si-na-kwang (East Lake), Chi-mini-sing, (Isle). All trust and/or allotted land within the aforementioned geographical radius shall constitute the service jurisdiction of District II.
- (c) District III of the Mille Lacs Bands of Chippewa Indians shall be known as Ah-sho-moog, (Lake Lena) and be comprised of the following geographical locations: Ne-shi-gwa-go-gog, (Pine City), A-sin-ni-ga-ning, (Sandstone), and Ga-shi-gwa-na-bi-go-gog, (Hinckley). All trust and/or allotted land within the aforementioned geographical radius shall constitute the service area of District III.

Historical and Statutory Notes

Source: Band Statute 1142-MLC-3, § 26

Cross References

Consolidated Nay-Ah-Shing School Board, election from Districts, *see* 9 MLBS § 3.
 Legislative districts, *see* 3 MLBS § 1.
 Motor vehicle registration, application for registration, *see* 19 MLBS § 106.

§ 12. Waiver for Special Dispensation.

The Band Assembly upon petition of the Chief Executive may issue a Section 20 waiver for participation in resources offered by the Band for the benefit of any Band members or executive administration upon petition of just cause

Historical and Statutory Notes

Source:
 Band Statute 1142-MLC-3, § 27.

CHAPTER 2

TREATY RIGHTS

<u>Subchapter</u>	<u>Section</u>
1. General Provisions	1001
2. Implementation of Usufructuary	1101

SUBCHAPTER I

GENERAL PROVISIONS

Section

- 1001. Policy.**
- 1002. Supreme Law.**
- 1003. Legal and Moral Obligation of United States.**
- 1004. Cultural Importance of Usufructuary Rights.**
- 1005. Conservation.**
- 1006. Recognition by United States Courts.**
- 1007. Authorization.**
- 1008. Exterior Legal Counsel.**

Historical and Statutory Notes

The Preamble of Band Statute 1056-MLC-24 provides: "It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians for the purpose of exercising usufructuary rights of Band members in the territory ceded in 1837."

Cross References

1837 Treaty Conservation Code for the Minnesota Ceded Territory, *see* 11 MLBS § 4001 et seq.
Migratory bird hunting off reservation, memorandum agreement with U.S. Fish and Wildlife Service, *see* Nat. Res. Comm. Order 144-90.
Protection for cultural values, *see* 1 MLBS § 13.

§ 1001. Policy.

The Band Assembly hereby declares that the Mille Lacs Band of Chippewa Indians has upheld all provisions of the Treaty of 1837 (7 Stat. 536). Due to the active infringement of its usufructuary rights by the Government of the State of Minnesota, members of the Mille Lacs Band of Chippewa Indians have not enjoyed the protection guaranteed in Article V of the Treaty of 1837. Therefore, it shall be the policy of the Mille Lacs Band of Chippewa Indians to aggressively assert all rights, privileges and responsibilities contained in all provisions of said Treaty without infringement by any other government.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 1.

§ 1002. Supreme Law.

The Band Assembly hereby declares that in all matters before the Court of Central Jurisdiction, all treaties to which the Mille Lacs Band is a party shall have a status equal to the supreme law of all land under the jurisdiction of the Band.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 1.01.

§ 1003. Legal and Moral Obligation of United States.

The Band Assembly hereby declares that the United States of America is possessed of a legal and moral obligation to guarantee usufructuary rights of members of the Mille Lacs Band of Chippewa Indians by virtue of Congress ratification of the Treaty of 1837.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 1.02.

Cross References

1837 Treaty Conservation Code for the Minnesota Ceded Territory, *see* 11 MLBS § 4001 et seq.

§ 1004. Cultural Importance of Usufructuary Rights.

The Band Assembly hereby declares that members of the Mille Lacs Band of Chippewa Indians are culturally heavily dependent on hunting, fishing, and the gathering of wild rice as vital to the continuance of a cultural existence in the ceded territory.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 1.03.

§ 1005. Conservation.

The Band Assembly hereby declares that it is the policy of the Mille Lacs Band of Chippewa Indians that the exercise of this treaty right shall be in accordance with culturally established principles of conservation.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, §1.04.

§ 1006. Recognition by United States Courts.

Usufructuary rights guaranteed by Article V of the Treaty of 1837 have been recognized by the United States Court of Appeals for the Seventh Circuit in the matter of Lac Courte Oreilles Band of Chippewa Indians v. Lester P. Voight. The Solicitor General for the United States of America has further taken the position before the Supreme Court of the United States that this case was correctly decided. The Supreme Court denied Certiorari.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 4.

§ 1007. Authorization.

The Band Assembly hereby directs and empowers the Chief Executive, the Commissioner of Natural Resources, and the Solicitor General to initiate lawful activities which will secure the active involvement of the United States of America in securing usufructuary rights of Band members in the area beginning at the junction of the Crow Wing and Mississippi Rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix River; thence to and along the dividing ridge between the waters of Lake Superior and those of Mississippi, to the sources of the Ocha-sua-sepe a tributary of the Chippewa river; thence to a point on the Chippewa river, twenty miles below the outlet of Lake De Flambeau; thence to the junction of the Wisconsin and Pelican rivers' thence on an east course twenty-five miles; thence southerly, on a course parallel with that of the Wisconsin river; to the line dividing the territories of the Chippewa and Menominee; thence to the Plover portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from that of the Sioux, half a days march below the falls on the Chippewa river; thence with said boundary line to the mouth of Wah-tap river, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.

Historical and Statutory Notes

Source:

Band Statute 1056-MLC-24, § 2.

Band Statute 1056-MLC-24, §§ 3 and 5.

Cross References

Geographical restrictions of natural resource regulations, *see* 11 MLBS §§ 2004, 2005.

§ 1008. Exterior Legal Counsel.

The Band Attorneys are hereby authorized and directed to assist the Solicitor General of the Mille Lacs Band of Chippewa Indians in the legal implementation of this chapter.

Historical and Statutory Notes

Source: Band Statute 1056-MLC-24, § 6.

SUBCHAPTER 2

IMPLEMENTATION OF USUFRUCTUARY RIGHTS

<u>Part</u>	<u>Section</u>
A. General Provisions	1101
B. Great Lakes Indian Fish and Wildlife Compact	1151

Historical and Statutory Notes

The Preamble of Band Statute 1092-MLC-5 provides: "It is enacted, an Indian Fish and Wildlife Compact with Keweenaw Bay Band of Chippewa Indians, Red Cliff Band of Chippewa Indians, Bad River Band of Chippewa Indians, Mole Lake Band of Chippewa Indians, Lac Courte Oreilles Band of Chippewa Indians, Grand Portage Band of Chippewa Indians, Fond du Lac Band of Chippewa Indians, St. Croix Band of Chippewa Indians, Bay Mills Band of Chippewa Indians, Lac du Flambeau Band of Chippewa Indians for the exercise of usufructuary right in the Wisconsin territory of the Treaty of 1837."

Cross References

Natural Resources Protection Code, *see* 11 MLBS § 2001 et seq.

PART A

GENERAL PROVISIONS

Section

- 1101. Reservation of Right of Amendment.**
- 1102. Rights of Band Members.**
- 1103. Applicability of Natural Resources Code.**
- 1104. Court of Central Jurisdiction.**
- 1105. Conflicting Laws.**
- 1106. Obligations of the United States of America.**
- 1107. Rules and Regulations.**

1108. Obligations of Solicitor General.

§ 1101. Reservation of Right of Amendment.

The Band Assembly hereby fully reserves the right to alter, amend or repeal the several provisions of this subchapter, and all rights and privileges granted or extended hereunder shall be subject to such reserved right.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 12.

§ 1102. Rights of Band Members.

Every enrolled member of a constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians shall have usufructuary rights provided that in the exercise of said rights, no Band member shall violate the terms and conditions established to exercise said rights.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 17.

§ 1103. Applicability of Natural Resources Code.

All provisions of the Natural Resources Code (11 MLBS § 2001 et seq.) shall apply to the exercise of usufructuary rights by Band members in all the territory ceded by the Treaty of 1837.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 13.03.

§ 1104. Court of Central Jurisdiction.

The Court of Central Jurisdiction is hereby granted subject matter jurisdiction for any cause of action which arises from implementation of this subchapter. Nothing in this subchapter shall be construed as a waiver of sovereign immunity of the Non-Removable Mille Lacs Band of Chippewa Indians in any state or federal court of competent jurisdiction

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 6.

Cross References

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

§ 1105. Conflicting Laws.

The provisions of this subchapter shall control and be supreme in the event it shall be employed notwithstanding any statutory provision to the contrary or in conflict herewith and the justices of the Court of Central Jurisdiction shall be bound thereby.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 15.

§ 1106. Obligations of the United States of America.

Nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Chippewa Indians of the solemn, special trust obligation of the United States of America, as legal trustee for the land, air, water and general natural resource and environmental right, privileges and interests of the Band.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 10.

§ 1107. Rules and Regulations.

The Commissioner of Natural Resources shall have the power to issue Commissioner's Orders for the purpose of promulgating all rules and regulations for the exercise of usufructuary rights by Band members in all the territory ceded by the Treaty of 1837 regardless of state boundaries and borders.

Historical and Statutory Notes

Source: Band Statute 1092-MLC-25, § 13.01.

Cross References

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

§ 1108. Obligations of Solicitor General.

- (a) Should there be any doubt as to the proper interpretation of any part of this chapter, the Chief Executive, Speaker of the Assembly or the Commissioner of Natural Resources shall submit such question to the Solicitor General, who shall give his written opinion thereon and such opinion shall be binding until annulled by the full Court of Central Jurisdiction or amended by law.
- (b) The Solicitor General, consistent with the statutory authority conferred by law shall represent the interests of the Non-Removable Mille Lacs Band of Chippewa Indians in all matters, related to enforcement of Band law be they prosecutorial or otherwise in the Court of Central Jurisdiction.

Historical and Statutory Notes

Source: Band Statute 1092-MLC-25, § 14.

Cross References

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

PART B

GREAT LAKES INDIAN FISH AND WILDLIFE COMPACT

Section

1151. Findings and Determinations.

1152. Constitution of Great Lakes Indian Fish and Wildlife Commission.

1153. Compact for Non-Removable Mille Lacs Band of Chippewa Indians.

1154. Voight Inter-Tribal Task Force Charter.

1155. Ratification.

1156. Enabling Legislation.

1157. Withdrawal.

1158. Construction and Severability.

1159. Cooperation of Band Officers.

1160. Commissioner of Natural Resources.

§ 1151. Findings and Determinations.

- (a) The Band Assembly hereby finds and determines that usufructuary rights exist in all territories encompassed by the Treaties of July 29, 1837, 7 Stat. 536, and October 4, 1842, 7 Stat. 842 as construed by the Seventh Circuit Court of Appeals in *Lac Courte Oreilles Band vs. Voight*, 700 F.2d 341, cert. denied 104 S. Ct. 53, 464 US 805, 78 L.Ed.2d 72 (1983).
- (b) The Band Assembly finds and determines that the sovereignty and jurisdiction of each Band who was signatory to the aforementioned treaties shall extend to all places interior and exterior to their boundaries thereof as defined in federal law. Notwithstanding any provisions of any law of the Mille Lacs Band to the contrary, the Mille Lacs Band shall now and hereafter retain and exercise civil and criminal jurisdiction over enrolled members of the Mille Lacs Band of Chippewa Indians who exercise usufructuary rights in the territory ceded in the aforementioned treaties.
- (c) The Band Assembly hereby finds and determines that just cause exists for the Non-Removable Mille Lacs Band of Chippewa Indians to be a party to a Commission known as the Great Lakes Indian Fish and Wildlife Commission.
- (d) The Band Assembly finds and determines that a Compact is required, pursuant to the laws of the Non-Removable Mille Lacs Band of Chippewa Indians. Said Compact to be known as the Great Lakes Indian Fish and Wildlife Compact.
- (e) The Band Assembly finds and determines that a Constitution proposed by the constituent Bands of the Great Lakes Indian Fish and Wildlife Commission is incompatible with the laws of the Non-Removable Mille Lacs Band of Chippewa Indians, however we find and determine that in the best interests of unity and conservation of the natural resources, an agreement is necessary and prudent.
- (f) The Band Assembly hereby finds and determines that any other party to this Commission shall exercise whatever statutory authority deemed necessary to be party to said Commission.
- (g) Therefore, the Band Assembly hereby finds and determines that the document entitled, "Constitution of the Great Lakes Indian Fish and Wildlife Commission"(2 MLBS § 1152.) is hereby ratified and approved subject to condition entered in the foregoing 'Compact'. Anything in the contents of the 'Constitution', which is inconsistent with any provision of the 'Compact' both ratified herein, it shall be the 'Compact' that controls on behalf of the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1092-MLC-25, § 1.

Cross References

Court of Central Jurisdiction, jurisdiction over persons, *see* 5 MLBS §§112, 113.

§ 1152. Constitution of Great Lakes Indian Fish and Wildlife Commission.

(a) Entered into by and between the following Bands of Chippewa Indians:

- (1) Keweenaw Bay
- (2) Bay Mills
- (3) Mole Lake
- (4) Bad River
- (5) Red Cliff
- (6) Fond du Lac
- (7) Grand Portage
- (8) Lac Courte Oreilles
- (9) St. Croix
- (10) Lac du Flambeau
- (11) Non-Removable Mille Lacs Band

(b)

PREAMBLE

WE, THE INDIAN TRIBES OF THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION RECOGNIZE THAT OUR FISH, WILDLIFE AND OTHER RENEWABLE RESOURCES ARE IMPORTANT NATURAL RESOURCES AND OF VITAL CONCERN TO THE INDIAN TRIBES OF THE GREAT LAKES REGION AND THAT THE CONSERVATION OF THIS RESOURCE IS DEPENDENT UPON EFFECTIVE AND PROGRESSIVE MANAGEMENT. AND IT IS FURTHER RECOGNIZED THAT THE TRIBES HAVE REGULATORY AUTHORITY AND A RESULTANT DUTY TO PROTECT THE RESOURCE THAT IS OF GREAT IMPORTANCE TO US. WE FURTHER BELIEVE THAT BY UNITY OF ACTION WE CAN BEST ACCOMPLISH THESE THINGS, NOT ONLY FOR THE BENEFIT OF OUR PEOPLE BUT FOR ALL THE PEOPLE OF THE GREAT LAKES.

ARTICLE I NAME

The name of this organization shall be the GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION.

ARTICLE II PURPOSE

- A. The GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION was begun in recognition of the traditional pursuits of the Native American people and the deep abiding respect for the circle of life in which our fellow creatures have played an essential life-giving role. As governments who have inherited the responsibilities for protection of our fish, wildlife, and plants we are burdened with the inability to effectively carry-out our tasks as protectors and managers. This is especially true now that the state and federal courts have recognized our traditional claims. We have never intended to abandon our responsibilities.
- B. The purpose of this organization are exclusively charitable and educational and shall be:
1. To provide an organization to facilitate and coordinate intertribal communications in the Great Lakes concerning matters pertaining to the exercise of usufructuary rights including fish and wildlife management, treaty rights issues, court cases related to fish and wildlife, tribal and/or inter-tribal regulations.
 2. To assist tribal governments in the protection, preservation, conservation and prudent use and management of tribal fish, wildlife, and plant resources in the Great Lakes area.
 3. To direct the administration of federal programs, funds and efforts in order to aid and assist the federally recognized members of this organization.
 4. To educate Indian and non-Indian professionals involved in fish and wildlife management and others in the general public similarly dedicated to the protection, preservation, enhancement and prudent use of fish, wildlife and other resources.
 5. To provide administrative support for and provide expertise and advice to tribal governments in the Great Lakes relating to the protection, preservation, enhancement and prudent use and management of fish, wildlife and other resources in the Great Lakes.
 6. To improve the general welfare of Indian people in the Great Lakes through educational, charitable, and fish and wildlife related activities.
 7. To carry out the purposes as herein set forth in any state, territory, district, possession, dependency, or other political subdivision of the United States of America or in any foreign country at any other location in the world to the extent that such purposes are not forbidden by the laws of such state, territory, district, possession, dependency, or political subdivision of the United States of America, or of such foreign country, or of such other political entity as may be applicable; provided, however, that such purposes shall be accomplished and exercised only if they may be accomplished and exercised under and in accordance with, Section 501 (c) (3) of the Internal Revenue Code of 1954 and any amendments thereto.

ARTICLE III MEMBERS

- Section 1.** Membership shall be open to an Indian tribe in the Great Lakes region who:
- a. Is recognized as a tribe by federal treaty, statute, agreement or regulation; and who;
 - b. Is organized and operating under a constitution and by-laws; and who;
 - c. [left blank]
 - d. Ratifies this constitution and bylaws of appropriate tribal resolution.

ARTICLE IV GOVERNING BODY

Section 1. The governing body shall be the Commission. The Commission shall consist of the tribal Chairpersons from each member tribe.

Section 2. Two committees of the Commission are hereby established. Great Lakes Indian Fisheries Commission and Voigt Fish and Wildlife Committee, each of which shall be governed by a charter ratified by the constituent tribes of each committee.

- a. Upon selection the tribe shall notify the Commission of their duly authorized representative by letter.

Section 3. The Commission members shall report in writing to their respective governing body on the business transacted, including recommendations for final approval relating to any contract or agreement to be entered on behalf of member tribes, by the Commission.

Section 4. A special meeting of the Commission can be called by the Chairman at the request of any Commission member.

ARTICLE V OFFICERS

Section 1. The officers of the Commission shall be the Chairman, Vice Chairman and Secretary, and shall be elected by the members of the Commission.

Section 2. The term of office of each officer shall be for one (1) year and shall commence with the regular meeting, except the first elected officers shall serve until the first regular election.

ARTICLE VI VACANCIES AND REMOVAL OF OFFICERS

Section 1. If a Commission officer shall die, resign, permanently leave the state or tribe which she/he represents, the Commission shall declare the position vacant and shall select a replacement for the balance of the unexpired term.

ARTICLE VII DUTIES OF OFFICERS

Section 1. The Chairman shall preside over all meetings of the Commission and shall perform all duties of a Chairman and exercise any authority delegated to him by the Commission and shall

have all authority to sign all documents for the Commission. She/he shall vote in all matters for his respective tribe.

Section 2. The Vice-Chairman shall assist the Chairman when called upon to do so in the absence of the Chairman, she/he shall preside. While presiding, she/he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

Section 3. The Secretary shall work with administrative staff to ensure that official minutes of all meetings are kept and that meeting notices are mailed in a timely manner.

Section 4. The Executive Administrator shall be appointed by the Commission.

ARTICLE VIII MEETINGS

Section 1.

- a. The conduct and procedure of the meetings may be further defined by the appropriate resolution of the Commission.
- b. A quorum shall consist of a majority of the Commission membership.

ARTICLE IX POWERS OF THE COMMISSION

Section 1. The Commission shall have the following powers:

- a. To formulate and adopt a budget for Commission activities.
- b. To formulate a broad natural resource management program for those matters of concern to the committee.
- b. To coordinate committee budgets and the work of the committees.
- c. To administer the provision of technical services to the committees and the member tribes.
- d. Request technical advice and/or assistance from any source whatever for the purpose of assisting tribal fish and wildlife programs and to consult with any and all individuals, organizations, institutions, and government (tribal, local, state, federal, and international) on matters pertaining to fish and wildlife.
- e. To render any assistance within the authority of the Commission to any tribe requesting such assistance.
- f. As a non-profit organization to accept funds from state, federal, private foundations or other sources for operations.
- g. To provide public information.

Section 2. Any and all rights vested in members tribes shall not be abridged by this Constitution.

Section 3. The Commission shall interpret any and all ambiguous words and phrases found within this Constitution.

ARTICLE X POWERS OF THE COMMITTEES

Section 1. Each constituent committee shall have the following powers:

- a. To formulate and adopt a budget to carry out its activities and to secure funding therefore.
- b. To formulate a broad natural resource management program for those matters of concern to the committee.
- c. To carry out any other powers provided in Charter.

Section 2. Any and all rights vested in members tribes shall not be abridged by this Charter.

ARTICLE XI AMENDMENTS

This Constitution may be amended by unanimous vote of the member tribes upon at least 15 days' notice prior to such meeting to consider such proposed amendment submitted to member tribes.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 2.

§ 1153. Compact for Non-Removable Mille Lacs Band of Chippewa Indians.

- (a) Entered into by and between the Non-Removable Mille Lacs Band of Chippewa Indians for the purpose of declaring the conditions under which the Band enters into the Great Lakes Indian Fish and Wildlife Commission. The Band Assembly hereby determines that any Band party to the provision of the "Constitution" found in 2 MLBS § 1152, shall in their own right, enter into the Great Lakes Indian Fish and Wildlife Commission upon terms designated in Article III of 2 MLBS § 1152.
- (b) THE NON-REMOVABLE MILLE LACS BAND OF CHIPPEWA INDIANS HEREBY SOLEMNLY AGREES TO:

GREAT LAKES INDIAN FISH AND WILDLIFE COMPACT

GREAT LAKES INDIAN FISH AND WILDLIFE COMPACT is hereby ratified, enacted into law, and by this Band as party thereto with any other Band which, pursuant to Article II of said Compact, that desires to legally join therein substantially as follows:

ARTICLE I

The purpose of this Compact are, through means of joint or cooperative action:

- 1. To promote the orderly, integrated, and comprehensive development, use, and conservation of Indian resources within the Treaty Cession of 1837/42 (hereinafter called Treaty Cession).

2. To plan for the welfare and development of the Indian resources of the Treaty Cession on a whole as well as for those portions of the Treaty which may have problems of special concerns.
3. To make it possible for Reservations within the Treaty and their members to derive the maximum benefit from the utilization of these resources.
4. To establish and maintain an intergovernmental agency to the end that the purposes of this Compact may be accomplished more effectively.

ARTICLE II

This Compact shall enter into force and become effective and binding when it has been enacted by any Reservation by such action as their laws and the laws of their government may prescribe for adherence thereto.

ARTICLE III

The Great Lakes Indian Fish and Wildlife Commission created by Article IV of this Compact shall exercise its power and perform its functions in respect to the Treaty Cession Area for which is the purposes of this Compact. The authorization of two committees of the Commission are hereby established, Great Lakes Indian Fisheries Commission and Voight Intertribal Task Force each of which shall be governed by a charter ratified by the respective laws of the Band Governments.

ARTICLE IV

- A. There is hereby created an agency of the party Bands to be known as the Great Lakes Indian Fish and Wildlife Commission. In that name the Commission may sue and be sued. In any of the party's Court of Competent Jurisdiction, the individual party's governing body may at its discretion notify the Band Court no later than 72 hours after any case has been filed of its decision to accept or reject any decision filed by the Court. However, the Great Lakes Indian Fish and Wildlife Commission must put forth a proper defense in any case to which it is a defendant. Actions by non-Indian parties of this Compact shall only be filed in a competent court of one of the parties of this Compact. Transaction involving federal funds shall conform to the laws of any Band Government within whose territory funds are being expended. The Commission may pursuant to by-laws provided for the execution and acknowledgment of all instruments in its behalf.
- B. The Commission shall be composed of one member from each Band Government as designated or appointed in accordance with the law of the Band Government which they represent and serve and subject to removal in accordance with such law.
- C. Each band delegate shall be entitled one vote in the Commission. The presence of commissioners from a majority of the party Bands shall constitute a quorum for the transaction of business at any meeting of the Commission. Actions of the Commission shall be by a majority of the votes cast except that any recommendations made pursuant

to Article VI of this Compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the Bands present and voting.

- D. The commissioners of any two or more party Bands may meet separately to consider problems of particular interest to their Band but no action taken at any such meeting shall be deemed an action of the Commission unless and until the Commission shall specifically approve the same.
- E. In the absence of any commissioner, a representative casting said vote shall have a written proxy in proper form as may be required by the Commission.
- F. The Commission shall elect annually from among its members a chairman, vice-chairman and secretary-treasurer. The executive director shall serve at the pleasure of the Commission and at such compensation and under such terms and conditions as may be fixed by it. The executive director shall be custodian of the records of the Commission with authority to affix the Commission's official seal and attest to and certify such records or copies thereof.
- G. The executive director, subject to the approval of the Commission in such cases as its by-laws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions Subject to the aforesaid approval, the executive director may fix their compensation, define their duties, and require bond of such of them as the Commission may designate.
- H. The executive director, on behalf of, as trustee for, and with the approval of the Commission, may borrow, accept, or contract from the services of personnel from any government or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation; and may accept from any of the commissioners purposes and functions under this Compact any and all donations, gifts, and grants of money, equipment, supplies, materials and services from any state or government or any subdivision or agency thereof or intergovernmental agency or from any institution, person, firm or corporation and may receive and utilize the same.
- I. The Commission may establish and maintain one or more offices for the transacting of its business and for such purposes the executive director on behalf, of as trustee for, and with the approval of the Commission, may acquire, hold and dispose of real and personal property necessary to the performance of its functions.
- J. The Commission may adopt, amend and rescind by-laws, rules, and regulations for the conduct of its business.
- K. The Commission and its executive director shall make available to the party Bands any information within its possession and shall always provide free access to its records by duly authorized representatives of such party Band.

- L. The Commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party Band.
- M. The Commission may issue any reports as it may deem desirable.

ARTICLE V

- A. The Commission shall submit to the executive head or designated officer of each party Band a budget of its estimated expenditures for such period as may be required by the laws of the Band for presentation to the Government thereof.
- B. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party Bands. Detailed Commission budgets shall be recommended by a majority of the votes cast, and the costs shall be allocated equitably among the party states in accordance with their respective interests. Majority is defined as 3/4 of all parties.
- C. The Commission shall not pledge the credit of any party Band. The Commission may meet any of its obligations in whole or in part with funds available to it under Article IV (H) of this Compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article IV (H) hereof, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.
- D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under the bylaws. However, all receipts and disbursement of funds handled by the Commission shall be audited yearly by a certified public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.
- E. The account of the Commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the party Band as may be duly constituted for that purpose and others who may be authorized by the Commission.

ARTICLE VI

The Commission shall have power to:

- A. Collect, correlate, interpret, and report on data relating to the Indian resources and the use thereof in the Treaty Cession or any portion thereof.
- B. Recommend methods for the orderly, efficient, and balanced development, use and conservation of the Indian resources of the Treaty Cession or any portion thereof to the

part Band and to any other governments or agencies having interest in or jurisdiction over the Treaty Cession or any portion thereof.

- C. Consider means of improving and maintaining the fisheries and wildlife of the Treaty Cession or any portion thereof.
- D. Recommend policies relating to Indian resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations.
- E. Recommend uniform or other laws, or regulations relating to the development, use and conservation of the Treaty Cession resources to the party Band or any of them and to other governments, political subdivision, agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Treaty Cession or any portion thereof.
- F. Consider and recommend amendments or agreement supplementary to this Compact to the party Bands or any of them, and assist in the formulation and drafting of such amendments or supplementary agreements.
- G. Prepare and publish reports, bulletins and publications appropriate to this work and fix reasonable sale prices thereof.
- H. With respect to the Indian resources of the Treaty Cession or any portion thereof, recommend agreements between the governments of the United States and Canada.
- I. Cooperate with the governments of the United States and of Canada, the party Band and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Treaty Cession or any portion thereof.
- J. Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the Commission by this Compact, provided that no action of the Commission shall have the force of law in, or be binding upon any party Band.

ARTICLE VII

Each party Band agrees to consider the action the Commission recommends in respect to:

- A. To provide an organization to facilitate and coordinate intertribal communication in the Great Lakes concerning matters pertaining to the exercise of usufructuary right including fish and wildlife management, treaty rights issues, court cases related to fish and wildlife, tribal and/or intertribal regulations.
- B. Measures for combating pollution.
- C. To assist tribal governments in the protection, preservation, conservation and prudent use and management of tribal fish, wildlife and plant resources in the Great Lakes area.

- D. Propose wildlife improvement.
- E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wildlife and other Indian resources.
- F. To direct the administration of federal programs, funds, and efforts in order to aid and assist the federally recognized members of this organization.
- G. To educate Indian and non-Indian professionals involved in fish and wildlife management and others in the general public similarly dedicated to the protection, preservation, enhancement and prudent use of fish, wildlife and other resources.
- H. To provide administrative support for and provide expertise and advice to tribal governments in the Great Lakes relating to the protection, preservation, enhancement and prudent use and management of fish, wildlife and other resources in the Great Lakes.

ARTICLE VIII

This Compact shall continue in force and remain binding upon each party Band until renounced by act of the Government of such Band, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said Band, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party Bands.

ARTICLE IX

It is intended that the provisions of this Compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party Band or of the United States, or the applicability thereof to any Band, agency, person or circumstance is held invalid, the constitutionality of the remainder of this Compact and the applicability thereof to any Band, agency, person or circumstance shall not be affected hereby, provided further that if this Compact shall be held contrary to the Constitution of the United States, or any party Band, the Compact shall remain in full force and effect as to the remaining Bands and in full force and effect as to the Band affected as to all severable matters.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 3.

§ 1154. Voight Intertribal Task Force Charter.

**CHARTER
VOIGHT INTERTRIBAL TASK FORCE COMMITTEE
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

ARTICLE I - NAME

The name of this committee shall be the Voight Intertribal Task Force Committee.

ARTICLE II - PURPOSE

The purposes of this committee shall be to:

1. Develop the capabilities of its members tribes to regulate their use of natural resources.
2. Develop biological expertise in inland fish, wildlife, and plant species, communities, and ecosystems.
3. Develop resource management plans.
4. Assist tribes to develop resource regulations suitable for tribal adoption and adequate to protect the environment.
5. Develop law enforcement capabilities adequate to insure compliance with resource regulations.
6. Assist tribes in the development of judicial systems adequate to adjudicate cases arising under tribal resource regulations.
7. Assist tribes or Bands to secure through negotiations, litigation, arbitration, or any other lawful and appropriate means, the full exercise of the usufructuary rights reserved in the Treaties of 1 837 and 1842.
8. Develop the capability to recognize, analyze and recommend action on actual and potential environmental degradation which may impair the opportunity to engage in usufructuary activities within the territories ceded by the Treaties of 1837 and 1842.
9. Educate tribal membership, tribal leadership, and the general public in issues and events related to the other purposes stated herein.

ARTICLE III - MEMBERSHIP

Section 1. Membership. Membership in this committee is open to any federally recognized Chippewa Tribe or Band which:

- (a) Is a member of the Great Lakes Indian Fish and Wildlife Commission; and
- (b) Is a signatory or successor thereto to either the 1837 or 1842 Treaties; and
- (c) Has a reservation within the territories ceded by the 1837 and 1842 Treaties; and
- (d) Has by resolution adopted this Charter.

ARTICLE IV - TRANSACTING BUSINESS

Section 1. Representatives. Each member tribe may appoint one representative to the committee and one alternate. Each tribe may select its representative and alternate by whatever means and for whatever term deemed appropriate by the tribe.

Section 2. Meetings. The committee shall hold an annual meeting in October of each year. The committee shall also hold meetings as needed, which may be called by the chairman, or in the absence of the chairman, the vice chairman, or in any event by any three member tribes or the executive administrator of the Commission. Meetings may be conducted by conference call.

Section 3. Action. All action must be authorized by motion and approval by a majority of those tribes in attendance.

Section 4. Voting. On all matters upon which a vote shall be taken each member tribe shall have one vote.

Section 5. Quorum. A majority of the member tribes shall constitute a quorum.

ARTICLE V - OFFICERS

Section 1. Officers. The officers of the committee shall be the chairman and vice-chairman, and shall be elected by the members of the committee at the annual meeting.

Section 2. Terms. The term of office for each officer shall be one year except that the officers first elected under this Charter shall serve until the 1985 annual meeting.

Section 3. Vacancies. In the event a committee officer is for any reason unable or unwilling to complete his or her term the committee shall, on at least 30 days' notice to its members, hold a special election for the purpose of replacing the officer.

ARTICLE VI - DUTIES OF OFFICERS

Section 1. Chairman. The chairman shall preside over all meetings of the committee, shall perform all duties of a chairman, shall exercise any authority delegated by the committee, and shall have authority to sign all documents for the committee. The chairman shall work with the administrative staff to insure that official minutes of all meetings are kept and that meeting notices are mailed in a timely manner. The chairman shall be allowed to vote.

Section 2. Vice-chairman. The vice-chairman shall assist the chairman when called upon to do so and in the absence of the chairman shall preside. While presiding, the vice-chairman shall have all the rights, privileges, duties, and responsibilities of the chairman.

Section 3. Further Duties. The duties of the officers may be defined further by motion of the committee.

ARTICLE VII - POWERS

The committee shall have the following powers:

- (1) To undertake any programs consistent with the purposes as defined in Article II.
- (2) To formulate and adopt a budget to carry out its activities, and to secure funding through the Commission therefore, and to approve modifications and amendments to the budget as may from time to time be required.
- (3) To formulate and adopt policies for the provision of technical, enforcement, and judicial services to the committee and its member tribes, to be implemented by the Commission staff.
- (4) To establish subcommittees to pursue such objectives as the committee shall direct.

ARTICLE VIII - AMENDMENTS

This Charter may be amended by affirmative vote of at least two-thirds of the member tribes upon furnishing to all member tribes of the Commission a copy of the proposed amendment at least 60 days in advance of the vote on such amendment.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 4.

§ 1155. Ratification.

The Commissioner of Natural Resources is authorized and directed to witness the ratification of the Compact by the Non-Removable Mille Lacs Band of Chippewa Indians by executing the final draft thereof in his own name as Commissioner for and on behalf of the Non-Removable Mille Lacs Band of Chippewa Indians and affixing the Seal of the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 5.

§ 1156. Enabling Legislation.

This Compact shall become effective and operative immediately after passage the Constitution of the Great Lakes Indian Fish and Wildlife Commission by any five party Bands incorporating the provisions of said Constitution into the laws of such Bands.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 9.

§ 1157. Withdrawal.

The Non-Removable Mille Lacs Band of Chippewa Indians in acceding to this Compact Constitution reserves the right at any time to withdraw from said Compact-Constitution, but such withdrawal shall be based upon a law properly enacted pursuant to Band 3 MLBS § 16.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 8.

§ 1158. Construction and Severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof by the Court of Central Jurisdiction. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the laws of any party Band or the application thereof to any agency, person or circumstance is held invalid by the Court of Central Jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any agency, person, or circumstance shall not be affected thereby. If this Compact-Constitution or any part thereof shall be held contrary to the laws of any party Band, this Compact-Constitution may remain in full force and effect as to the remaining party Bands and as to the Mille Lacs Band so affected, in full force and effect as to all severable matters.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 7.

§ 1159. Cooperation of Band Officers.

All administrations and entities of the Non-Removable Mille Lacs Band of Chippewa Indians shall cooperate with the Commission and the Task Force in the execution of their functions and shall assist the Commission and the Task Force in carrying out the duties imposed upon it.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 11.

§ 1160. Commissioner of Natural Resources.

In pursuance of Article IV of the Compact and Article IV of the Charter, the

Commissioner of Natural Resources shall be the duly authorized representative of the Band at meetings called by the chairman of the Commission and the Task Force at a designated location and shall exercise all voting rights conferred by the Compact and Charter as provided.

Historical and Statutory Notes

Source:

Band Statute 1092-MLC-25, § 13.

CHAPTER 3

INTERGOVERNMENTAL RELATIONS

Section

2001. Minnesota State Intertribal Affairs Council.

§ 2001. Minnesota State Intertribal Affairs Council.

Pursuant to Minnesota Statutes-Chapter 3, Section 922, the Non-Removable Mille Lacs Band of Chippewa Indians may participate in an Indian Affairs Intertribal Council, an entity of the state of Minnesota. The Chief Executive is hereby authorized and directed to notify the Governor of the state of Minnesota and other tribal governments that effective on March 1, 1985 the Non-Removable Mille Lacs Band of Chippewa Indians shall withdraw from participation in this state council and shall in no way sanction any actions of said council as they may apply to the Non-Removable Mille Lacs Band of Chippewa Indians, as the public policy of the Band is to recognize and enhance government to government diplomatic relations.

Historical and Statutory Notes

Source:

Band Statute 1085-MLC-37, § 82.

CHAPTER 4

EXCLUSION AND REMOVAL

Section

3001. Findings and Determinations.

3002. Definitions.

3003. Persons Subject to Exclusion and Removal.

3004. Grounds for Exclusion and Removal.

- 3005. Complaint for Exclusion.**
- 3006. Notice of Exclusion.**
- 3007. Exclusion Hearing.**
- 3008. Exclusion Orders.**
- 3009. Enforcement Proceedings.**
- 3010. Emergency Writs.**
- 3011. Authorized Entry for Exclusion Hearing.**
- 3012. Review of Orders of Exclusion and Removal.**
- 3013. Stays.**

Historical and Statutory Notes

The Preamble of Band Statute 1069-MLC-7 provides: "It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians for the purpose of exclusion and removal of persons within the jurisdiction of the Band for just cause."

Cross References

Commercial practices, violations, see 18 MLBS § 10.
Cultural actions, sanctions, see 24 MLBS § 603.
Life estates in trust or restricted lands, spouse or children of member, see 21 MLBS § 102.
Prohibited drugs, see 23 MLBS § 1 et seq. Trespass, see 21 MLBS § 206.

§ 3001. Findings and Determinations.

- (a) That under federal law and Article 6, Section 1 (c), of the Constitution of the Minnesota Chippewa Tribe, and as an incident of its inherent sovereign powers, the Non-Removable Mille Lacs Band of Chippewa Indians has the authority to exclude certain persons from territories under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians and to determine the conditions upon which such persons may be present within said lands.
- (b) That in order to protect and promote the health, safety, morals and general welfare of the Band, its members and other residents of lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, it is necessary to provide a means to exclude or remove such persons from said lands in the event that they violate Band law or do other acts harmful to the Band, its members or other residents of territories under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 1.

§ 3002. Definitions.

The following terms shall have the following meanings when used in this chapter:

- (a) **"Appellate Court"** means the Appellate Division of the Court of Central Jurisdiction of the Band.
- (b) **"Band"** means any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians, a federally recognized Indian Tribe.
- (c) **"Court"** means the Court of Central Jurisdiction for each constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians.
- (d) **"Constituent Bands"** means the Non-Removable Sandy Lake Band of Chippewa Indians, the Snake River Band of Chippewa Indians, the Rice Lake Band of Chippewa Indians, the the Lake Lena (Knife River) Band of Chippewa Indians, and the Non-Removable Mille Lacs Band of Chippewa Indians.
- (e) **"District Court"** means the District Division of the Court of Central Jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
- (f) **"Law Enforcement Officer"** means an officer of the Band authorized to enforce the laws of the Band.
- (g) **"Secretary"** means the United States Secretary of the Interior.
- (h) **"Weapon"** means an instrument of offensive or defensive combat, or anything used, or designed to be used, in destroying, defeating or injuring a person.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 13.

§ 3003. Persons Subject to Exclusion and Removal.

All persons, except those authorized by federal law to be present on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, are subject to exclusion or removal from all or any portion of said lands as provided herein.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7 § 2.

§ 3004. Grounds for Exclusion and Removal.

Persons subject to exclusion and removal may be excluded or removed from said lands for commission of one or more of the following acts within said lands:

- (a) An act that is a crime, as defined by federal or Band law, or any act which, if committed by a member of the Band, would be a crime under Band law.
- (b) Any act causing physical loss or damage of any nature to the property of the Band or Tribe, enrolled member of the Band, or other residents of land under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
- (c) Obstructing the performance of governmental functions by any elected official, officer, agent or employee of the Band through the use or threat of force or violence, bribery, deception or other unlawful means.
- (d) Resisting arrest by a law enforcement officer through the use of threat of force or violence, bribery, deception or other unlawful means.
- (e) Rendering criminal assistance by doing any one of the following acts for the purpose of hindering the apprehension, prosecution, conviction or punishment of a person known to have committed a crime, to be sought by law enforcement officers for the commission of a crime, or to have escaped from a detention facility:
 - (1) harboring or concealing such person,
 - (2) providing to such person a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension,
 - (3) concealing, altering or destroying any physical evidence that might aid in the discovery or apprehension of such person,
 - (4) warning such person of impending discovery or apprehension, except where such warning is given in an attempt to persuade the person to comply with the law, or
 - (5) obstructing by force, threat, bribery or deception any person from performing an act that might aid in the discovery, apprehension, prosecution or conviction of such person.
- (f) Threatening to enter lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians to cause disturbances or riots or to conduct any other activity prohibited by law.
- (g) Mining, cutting timber or vegetation or other use, abuse or damage to property of the Band or Tribe without authorization from the Band, Tribe or Secretary.

- (h) Prospecting without authority from the Band or the Secretary.
- (i) Exploring or excavating items, sites or locations of historic, religious or scientific significance without the lawful authority or permission of the Band or in violation of Band or federal law.
- (j) Committing frauds, confidence games or usury against any enrolled member of the Band or any other resident of lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.
- (k) Inducing any enrolled member of the Band or any other resident of said lands to enter into a grossly unfavorable contract of any nature.
- (l) Defrauding any enrolled member of the Band or any other resident of said land of just compensation for his labor or service of any nature.
- (m) Unauthorized taking of any property from lands under the jurisdiction of Non-Removable Mille Lacs Band of Chippewa Indians.
- (n) Entering land under the jurisdiction of any constituent Band of the Non-Removable Mille Lacs Band of Chippewa Indians for the purpose of evicting of a Band member or the removal of any real or personal property of a Band member without his/her written consent.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 3.

Cross References

Criminal causes of action, *see* 24 MLBS § 1001 et seq.

Historical preservation, civil penalties, *see* 10 MLBS § 603.

§ 3005. Complaint for Exclusion.

Any member, officer, agent or employee of the Band may make a complaint for exclusion. Forms of complaint will be kept by the Clerk of Court and other officials that may be designated by him. A complaint for exclusion shall be valid only if it bears the signature of the complaining witness and is witnessed by a Judge of the Court, the Clerk of Court, or a law enforcement officer. After the complaint has been duly signed and witnessed, it shall be delivered to the District Court.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 4.

§ 3006. Notice of Exclusion.

Upon receipt of a valid complaint for exclusion, the District Court shall cause notice to be served personally or, if personal service is not reasonably possible, by registered mail, upon the person proposed for exclusion. The notice shall state the reason for the proposed exclusion and shall state a time and place at which the person may appear before the District Court to show cause why he should not be excluded from said land. The hearing shall be held not less than three days after the time of service or mailing.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 5.

§ 3007. Exclusion Hearing.

After notice to the person proposed for exclusion, the District Court shall hold a hearing to determine whether the person shall be excluded from the lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. The person shall be given an opportunity to present evidence and argument at the hearing and cross examine opposing witnesses, and may be represented by council at his own expense. The District Court may, in its discretion, grant a continuance of the hearing on request by the person proposed for exclusion or upon its own motion.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 6.

§ 3008. Exclusion Orders.

After the hearing, or at the time set for the hearing if the person proposed for exclusion does not appear, the District Court may order him excluded from all or any portion of said lands, or may permit him to remain upon said lands on such conditions as the District Court sees fit to impose. Notice of the order shall be served in the manner set forth in 2 MLBS § 3006. Conditions that the District Court may impose in an order of exclusion may include, but shall not be limited to; the payment of money or performance of labor by the person to be excluded as restitution for damage caused by the person, and the payment of a civil penalty. A conditional civil penalty included in an order of exclusion shall be in the nature of a civil forfeiture and not a criminal fine and shall be for the purpose of recovering in part the costs of enforcement of this chapter. An order of exclusion shall remain in force until revoked by the District Court unless the order specifically provides otherwise.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 7.

§ 3009. Enforcement Proceedings.

If any person ordered excluded from said lands by the District Court does not promptly comply with the order of exclusion, the District Court shall order his removal from said land at the non-member's expense, or the prevention of his entry into lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, and may refer the matter to the United States Attorney for prosecution under any applicable federal statute.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 8.

§ 3010. Emergency Writs.

If, upon receipt of a valid Complaint for exclusion, the District Court finds that the presence of the person proposed for exclusion on said lands presents an immediate danger to the life, health, morals or property of the Band, its members or other residents of said land, and further finds that delay would result in irreparable injury, the District Court may issue an Emergency Writ of Exclusion without providing prior notice as required by 2 MLBS § 3006, or holding a hearing as required by 2 MLBS § 3007. The District Court shall cause the Writ to be served upon the person in the most expeditious manner practical under the circumstances. An Emergency Writ of Exclusion may, in addition to ordering the exclusion of a person, direct any law enforcement officer to remove the person from land under the jurisdiction of the Non-Removable Mille Lacs band of Chippewa Indians. In the event that removal is ordered, the law enforcement officer executing the Writ shall use only so much force as is necessary to effect the removal, and shall serve a copy of the Writ upon the person at the time of removal or as soon thereafter as possible. An Emergency Writ of Exclusion shall remain in force until revoked by the District Court unless the Writ specifically provides otherwise.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 9.

§ 3011. Authorized Entry for Exclusion Hearing.

An emergency Writ of exclusion shall contain notice to the person excluded of the time at which he may enter said land in the company of a law enforcement officer for the purpose of attending an exclusion hearing before the District Court. The person must be accompanied by a law enforcement officer at all times during his presence on said land unless the Writ specifically provides otherwise. In all other respects, the provisions of 2 MLBS §§ 3007 to 3009 shall be applicable to a person excluded from land under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians under an Emergency Writ of Exclusion.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7 § 10.

§ 3012. Review of Orders of Exclusion and Removal.

The Appellate Court shall have exclusive jurisdiction to hear appeals from orders of exclusion. No appeal may be taken from an exclusion order if the person excluded failed without good cause to appear at the exclusion hearing. An excluded person may enter said lands in the company of a law enforcement officer for the purpose of presenting argument to the Appellate Court. The person must be accompanied by a law enforcement officer at all times during his presence on said lands unless the order of exclusion specifically provides otherwise.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 11.

§ 3013. Stays.

- (a) The appellate Court may stay an order of exclusion upon condition of security as it deems just, only if:
 - (1) all prior hearing remedies have been exhausted, and
 - (2) no substantial interest of the Band, its members, or other residents of said land will be adversely affected thereby.
- (b) All orders of exclusion shall remain in full force and effect pending appeal unless stayed as provided herein.

Historical and Statutory Notes

Source:

Band Statute 1069-MLC-7, § 12.