

# Frequently Asked Questions about the Band Assembly and Legislative Process

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**What is a bill?**

A bill is a proposal for a new law, a change in current law, or repeal of a current law. It consists of a title, enacting clause, and body (text), which is examined and approved in its form by the Office of the Revisor of Statutes.

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**What is an act/ordinance?**

An act/ordinance is the official name for a bill that has been presented to the Chief Executive.

The Band has historically used the naming convention “ordinance” because the Minnesota Chippewa Tribe Constitution requires ordinances for certain actions. Whereas, Minnesota uses the term “Act.”

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**What is a law?**

A law is an idea, placed in bill form, that has been approved by the Band Assembly and has not been vetoed by the Chief Executive.

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**What are statutes?**

Statutes are laws that apply to anyone on Band Land, and in various other circumstances, and cover a variety of topics, including the following: the Legislature, the executive branch, Band departments, the judiciary and courts, tax policy, public safety and police authority, commerce and trade, property and private rights, civil injuries and remedies, and crimes against people and property and the penalties associated with them.

[Band Statutes](#) refers to a compilation of the general and permanent laws of the Band, incorporating all new laws, amendments, or repeals of old law. The Revisor’s Office shall publish editions of Band Statutes called “The Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe.”

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## What is a rule?

There are three definitions of a rule, depending on the branch of government to which one is being referenced.

**Procedural rules.** In the Legislature, rules refer to the regulating principles or methods of procedure. The *Band Statutes, Rules and Procedures for the Band Assembly*, and *Mason's Manual of Legislative Procedure* are all guidelines which determine legislative procedure. Each body, whether Band Assembly or the Joint Session of the Band Assembly, adopts its own binding rules.

**Administrative rules.** In the executive branch of Band government, rules are operating principles or orders created by an office of the Band under authority granted by the Legislature. These administrative rules have the force and effect of law. The Legislature does not enact administrative rules, but instead gives Band agencies or units the authority to establish rules.

**Band Court Rules.** The Court of Central Jurisdiction shall have the power to prescribe by general rules the forms of process, writs, pleadings, rules of evidence, motions, and the practice and procedure of the District Court and Court of Appeals of the Mille Lacs Band in civil actions and criminal actions and appeals therein, such rules shall not abridge, enlarge, or modify the substantive rights of any person.

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## How do bills, ordinances, laws, and statutes differ?

A bill, a proposal of law, comes first and is introduced during a Band Assembly meeting. After the Band Assembly approves a bill, it will then be presented to the Chief Executive, then taking on the name "ordinance." An ordinance becomes law when it has not been vetoed by the Chief Executive. A law will then become a statute upon codification.

Statutes are a codification of the general and permanent laws, which are compiled and published every year as Band Statutes or its supplement. By being codified into Band Statutes, the laws are placed into the body of statutes that have been on the books in previous years.

Sometimes, it is difficult to understand a law unless it is placed into the proper context in Band Statutes. But it is important to remember that not all laws will become statutes. Some laws, such as appropriation measures, aren't included in Band Statutes. Thus, appropriations made by the 2020 Band Assembly are not available in the Band's statute

book. Appropriation bills are probably the best examples of laws that are not codified into Band statutes.

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### **When do new laws go into effect?**

If a Bill doesn't have an effective date, the effective date shall be immediately upon a majority vote of the Band Assembly and either the signature of the Chief Executive or the absence of action by the Chief Executive as prescribed in 3 MLBS § 17(c).

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### **What is a resolution?**

Resolutions are formal actions of the Band Assembly which express the opinion, will, or intent of the Band Assembly, but are not codified into Band statutes upon passage. The Band Assembly, including the Speaker of the Assembly and the Chief Executive, can pass resolutions of the Joint Session of the Band Assembly, which are resolutions that have to include all five members per the Constitution and Bylaws of the Minnesota Chippewa Tribe.

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### **Who can draft a bill?**

Only upon the request of the District Representatives may the Revisor of Statutes draft bills. However, individuals may draft legislation and request that a District Representative refer the legislation to the Revisor of Statutes.

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### **Can a bill contain multiple topics?**

Yes. Pursuant to Title 3, a bill can contain multiple topics.

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### **What is the process for introducing a bill?**

The District Representatives can introduce bills. There is no limit to the number of bills and resolutions a District Representative can introduce. Typically, once a District Representative is comfortable with a bill, (s)he will request that the Clerk place the bill

on the Band Assembly agenda. Once the bill is on the agenda, the sponsoring District Representative will introduce it during the next meeting of the Band Assembly. After the bill has been introduced, any District Representative can motion to take action on the bill.

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**What happens if the Chief Executive vetoes a bill?**

Any bill which has been vetoed and returned by the Chief Executive shall have a compromise hearing within five (5) calendar days of the return. Failure of the Band Assembly to act within the five (5) calendar days shall halt further action on said bill for 180 calendar days. Should the Band Assembly hold a compromise hearing with the Chief Executive within the allocated time, 15 calendar days shall be available to negotiate an agreement for the bill's passage into law. Should an agreement not be concluded within the allotted time, further action on the bill is precluded for 180 calendar days from said date. Appropriation bills shall be excluded from the above time schedule.

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**Is there a timeline for the Chief Executive to sign or veto a bill that has been approved by the Band Assembly?**

After the formal action of the Band Assembly, no later than 72 hours after said action, each bill shall be personally delivered to the Chief Executive, who shall have five (5) calendar days from the date of receipt to either sign the bill into law, or veto the bill and return it to the Band Assembly with a written veto message containing the Chief Executive's objections to the bill.

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**What happens if a bill is approved by the Band Assembly but not signed by the Chief Executive?**

In the event the Chief Executive neither signs the bill nor vetoes it, the bill shall become law without the Chief Executive's signature after the expiration of five (5) calendar days from date of receipt of the bill.

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**What is a veto?**

A veto is the statutory power of the Chief Executive to reject a bill. When vetoed, a bill is returned to the Band Assembly with a written veto message containing the Chief Executive's objections to the bill.

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**Can the Chief Executive line-item veto?**

No. Pursuant to Title 4, a veto by the Chief Executive is a complete veto of the entire bill. Sectional vetoes are prohibited by law.

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**Is there a limit to the number of bills the Chief Executive can veto?**

No.

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**Can the Band Assembly override the Chief Executive's veto?**

No. However, pursuant to Title 3, any bill which has been vetoed and returned by the Chief Executive shall have a compromise hearing.

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**Are there legislative calendar deadlines?**

The Band Assembly has two timelines that must be followed.

First, per Band Statute, the Band Assembly is gaveled in by the Speaker of the Assembly in January during the State of the Band Address.

Second, per the Minnesota Chippewa Tribe Constitution, the Elected Officials are sworn in during the month of July. Thus, a new legislative session starts after the newly elected officials are sworn in.

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**What are the numbers assigned to the sections of the ordinances?**

Section numbers, or coding, may be proposed in a bill for a new law, or in a bill which provides for adding a new section to a chapter of the statutes. However, pursuant to Title 25, coding may be added or changed by the Revisor of Statutes when necessary. Coding is technical in nature and is done at the time of editing and publishing the statutes.

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**What are the rules that govern the Band Assembly?**

Pursuant to Title 3, The Band Assembly shall establish the rules of its proceedings, decide upon its adjournment and discipline of its members through censure for improper conduct as a Band Assembly member, or other disciplinary action, provided, however, that removal shall be governed by Band Statute.

The Rules of Procedure for the Band Assembly can be found on the Band's website.

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**Is there a difference between the Speaker of the Assembly and the Secretary-Treasurer?**

Yes. Though one person, the Speaker of the Assembly/Secretary-Treasurer wears two hats.

The Speaker of the Assembly is the elected official who leads the Band's legislative branch pursuant to 3 MLBS § 7. The Speaker cannot vote during Band Assembly, except during a Joint Session of the Band Assembly.

The Secretary-Treasurer is the elected official who is empowered and responsible to administer the Band's financial affairs pursuant to 3 MLBS § 8.

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**Is there a difference between the Parliamentarian and the Clerk of the Band Assembly?**

Yes. Though one person, the Parliamentarian/Clerk wears two hats.

The Parliamentarian is the appointed official pursuant to 3 MLBS § 10 who is trained in parliamentary law and in the rules, precedents, and practices of the Band Assembly.

The Clerk of the Band Assembly is the appointed official pursuant to 3 MLBS § 10 who is responsible for managing the session proceedings, record-keeping, and bill drafting.