



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

LEGISLATIVE ORDER 33-21

A LEGISLATIVE ORDER ADOPTING RULES OF THE BAND ASSEMBLY

WHEREAS, 3 MLBS § 3 outlines the various authorities and duties conferred upon the Non-Removable Mille Lacs Band of Ojibwe Band Assembly ("Band Assembly"); and

WHEREAS, pursuant to 3 MLBS § 27(a), the Band Assembly "may issue Legislative Orders on any subject matter within the Legislative Branch of government pursuant to authority conferred by this Title and the Constitution of the Minnesota Chippewa Tribe[;]" and

WHEREAS, pursuant to 3 MLBS § 10, the Parliamentarian shall render all parliamentary decisions in an impartial manner, which requires an established and published set of rules; and

WHEREAS, pursuant to 3 MLBS § 12, the Band Assembly shall establish rules to govern its proceedings.

NOW, THEREFORE, BE IT ORDERED, that the attached Rules of the Band Assembly are hereby adopted by the Band Assembly and shall govern all regular and special sessions of the Band Assembly.

WE DO HEREBY CERTIFY that the foregoing legislative order was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on May 12, 2021, at Nayahshing, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.


DATED, at Nayahshing, Minnesota, from within the sovereign territory of the Non-Removable Mille Lacs Band of Ojibwe, this 12th day of May, 2021.

Effective Date: May 12, 2021


Sheldon Boyd, Speaker of the Assembly

E-SIGNED by Marvin Bruneau
on 2021-05-14 03:02:28 GMT
Marvin Bruneau, District 2 Representative


Virgil Wind, District 1 Representative


Wallace St. John, District 3 Representative

DISTRICT I
43408 Oodena Drive • Onamia, MN 56359
(320) 532-4181 • Fax (320) 532-4209

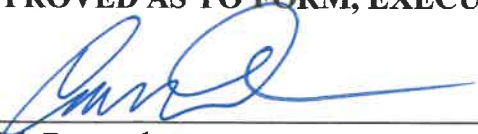
DISTRICT II
36666 State Highway 65 • McGregor, MN 55760
(218) 768-3311 • Fax (218) 768-3903

DISTRICT IIA
2605 Chiminising Drive • Isle, MN 56342
(320) 676-1102 • Fax (320) 676-3432

DISTRICT III
45749 Grace Lake Road • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

URBAN OFFICE
1404 E. Franklin Avenue • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

APPROVED AS TO FORM, EXECUTION, AND NUMBERING:



Caleb Dogeagle
MLB Solicitor General

OFFICIAL SEAL OF THE BAND



Rules of Procedure *for*



Band Assembly

Table of Contents

Rules of Procedure for Band Assembly.....	3
Rule 1. Definitions.....	3
Rule 2. Rules, Generally.....	5
Rule 3. Convening.....	6
Rule 4. Voting.....	7
Rule 5. Order of Business.....	8
Rule 6. Motions.....	9
Rule 7. Debate and Decorum.....	11
Rule 8. Bills, Generally.....	14
Rule 9. The Clerk of the Band Assembly.....	14
Rule 10. Publications and Records.....	15
Rule 11. The Speaker of the Assembly.....	16
Rule 12. Nominations.....	17
Rule 13. Executive Sessions.....	18
Appendix 1. Quick Reference for the Speaker.....	19
Appendix 2. Quick Reference for Members.....	23
Appendix 3. Public Testimony Form.....	26

Rules of Procedure for Band Assembly

Rule 1. Definitions

- 1.1. Unless otherwise provided in the applicable Constitution, statute, or these Rules, the words in these Rules shall be construed according to their natural meaning.
- 1.2. The following terms are defined as follows:
 - (a) **“Adjournment”** means a suspension of proceedings to another time or place or to end the meeting.
 - (b) **“Adjournment *baanimaa*”** means an adjournment without an appointed day on which to meet again, or an adjournment for an indefinite period.
 - (c) **“Audio” or “video reproductions”** means media including films, audio and video tapes or slides, and audio and video electronic files.
 - (d) **“Band”** means the Non-Removable Mille Lacs Band of Ojibwe.
 - (e) **“Band Assembly record”** means a measure, amendment of a measure, document, book, paper, photograph, audio recording, video recording, or other material produced by the Band Assembly or a staff member of the Band Assembly, or any of the same produced by a non-member and filed with the Clerk, in connection with the exercise of legislative or investigative functions.
 - (f) **“Chamber”** means the entire area of the floor, the gallery, and, if meeting outside of the formal chambers, the table and vicinity of where the Band Assembly has convened. If the Band Assembly is meeting using remote technology, including by phone or video, the Chamber includes the immediate physical area around Members, the electronic meeting forum, and all individuals able to participate in real time in the remote meeting.
 - (g) **“Clerk”** means the Clerk of the Assembly or the designee of the Clerk of the Assembly.
 - (h) **“Critical nomination”** means a nomination by the Chief Executive for any Commissioner, Judge, Justice, Corporate Board Member, or the Solicitor General.
 - (i) **“Drafting Manual”** means the document or book designated by the Revisor of Statutes as the official style guide for Band Assembly legislation.

- (j) **“Executive branch official”** means the Chief Executive, the Commissioners, and the Solicitor General. This term shall not be construed to include employees of the executive branch in general.
- (k) **“Executive session”** means a meeting of the Band Assembly that is closed to the public.
- (l) **“Exigent circumstances”** means a situation requiring immediate action, including emergency situations and unavoidable time-sensitive issues. The Band Assembly shall have the final authority to determine which circumstances are exigent and which are not.
- (m) **“The Floor”** means the physical area immediately surrounding the Members’ chairs and desks.
- (n) **“Legislative Counsel”** means the individual or individuals employed to provide legal advice to the legislative branch.
- (o) **“Legislative Order”** means a directive passed pursuant to 3 MLBS § 28.
- (p) **“Measure”** means a bill, resolution, legislative order, amendment, or any legislation under consideration by the Band Assembly.
- (q) **“Member”** means a popularly elected District Representative.
- (r) **“Minutes”** means the record of minutes of the meetings of the Band Assembly.
- (s) **“Nomination”** means a procedure by which an individual is recommended, selected, or otherwise approved or rejected for appointment to a particular position through a vote by the Band Assembly.
- (t) **“Non-member”** means a member of the public, executive branch official, government official or employee, or any other private individual except the Speaker and the Members.
- (u) **“Original copy”** means the copy of a measure placed by the Clerk into the original measure folder.
- (v) **“Original measure folder”** means the storage location in which the Clerk maintains all original copies until the measures are acted upon by the Band Assembly.
- (w) **“Parliamentarian”** means the Clerk pursuant to 3 MLBS § 10.

- (x) **“Personally identifiable information”** means any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual, including biometrics, criminal history, date of birth, driver’s license number, health record, home address, financial record, and Social Security Number.
- (y) **“Printed version”** means a document in either physical or digital form.
- (z) **“Recess”** means a short intermission in a meeting of the Band Assembly.
- (aa) **“Remote technology”** means any technology designed to facilitate meeting outside the physical Chamber, including video conferencing, telephone, or other means.
- (bb) **“Resolution”** means a formal expression of opinion, will, or intention voted on by the Band Assembly.
- (cc) **“Rules”** means the rules adopted by the Band Assembly pursuant to 3 MLBS § 12.
- (dd) **“Speaker”** means the Speaker of the Assembly or the designee of the Speaker of the Assembly.
- (ee) **“Sponsor”** means the Member who introduced or intends to introduce a measure.

Rule 2. Rules, Generally

- 2.1. The Band Assembly may adopt, amend, or rescind any Rule of the Band Assembly by majority vote, subject to Rule 2.2.
- 2.2. Any proposed adoption, amendment, or rescission of any Rule of the Band Assembly shall proceed as follows:
 - (a) the Member shall submit to the Clerk and Legislative Counsel the proposal in writing;
 - (b) the proposal shall be introduced and read at a regularly scheduled meeting of the Band Assembly;
 - (c) the Clerk shall distribute a printed version of the proposal to all Members; and
 - (d) the proposal shall lay on the table for at least one (1) day prior to any vote on the proposal.
- 2.3. The Band Assembly may, in exigent circumstances, suspend one (1) or more of the Rules by unanimous roll call vote, subject to the following:

- (a) the motion to suspend the Rules must state which Rule or Rules the Member is moving to suspend;
 - (b) the motion to suspend the Rules must state the reason for suspending the Rule or Rules;
 - (c) the motion to suspend the Rules must state the time period during which the Rule or Rules will be suspended;
 - (d) if the motion to suspend the Rules is passed, the Rules shall return to force in full upon the call to order at the next meeting; and
 - (e) if the motion to suspend the Rules is defeated, the Band Assembly may not renew the motion until after a recess or an adjournment.
- 2.4. The Rules shall remain in effect during each Band Assembly, unless modified as provided in Rule 2, regardless of whether the Band Assembly is in session, in special session, or adjourned *baanimaa* (“not until later”).
- 2.5. In the event of an occurrence not otherwise covered by the applicable Constitution, statute, or the Rules, the Parliamentarian shall apply the relevant rule from *Mason’s Manual of Legislative Procedure*.

Rule 3. Convening

- 3.1. A quorum of the Band Assembly is three (3) Members. The Speaker shall be considered a Member for purposes of establishing a quorum.
- 3.2. The Band Assembly shall only conduct business if a quorum is present.
- 3.3. The Speaker may designate the hour of meeting pursuant to 3 MLBS § 7.
- 3.4. All meetings of the Band Assembly, with the exception of executive sessions, shall be open to the public.
- 3.5. Notwithstanding Rule 3.4, the Speaker may order the Chamber cleared in the event of a disturbance, during which time the Band Assembly shall be in recess.
- 3.6. Unless excused by the Speaker, each Member shall attend all meetings of the Band Assembly.
 - (a) During each meeting of the Band Assembly, the Clerk shall, on the second order of business, call the roll and record each Member as either “present,” “excused,” “attending legislative business,” or “absent.”

- (b) Before requesting that the Clerk call the roll, the Speaker shall announce on the floor the name of any Member who requested excusal from the meeting. The consent of the Band Assembly to the excusal is presumed unless a present Member expressly objects, in which case the Clerk shall record the Member as “absent” rather than “excused.”
 - (c) The Speaker may excuse Members for any reason that creates, in the judgment of the Speaker, sufficient hardship as to justify the absence.
- 3.7. After June 1, 2021, all meetings of the Band Assembly not reserved for executive session shall be live-streamed on the Band’s website and stored in an online repository.

Rule 4. Voting

- 4.1. The Clerk shall take and record a vote of “*eya*” and “*gaawiin*” on the final passage of all measures. Members may respond either in the provided Ojibwe terms or by saying “aye” or “nay,” respectively.
- 4.2. The Clerk shall take and record a roll call vote on any question upon demand by any Member.
- 4.3. The Speaker shall order a roll call vote whenever the Speaker is in doubt on the results of any voice vote.
- 4.4. During a roll call vote, the Clerk shall call the roll in the following order:
 - (a) the Member for District 1;
 - (b) the Member for District 2; and
 - (c) the Member for District 3.
- 4.5. When involved in a potential conflict of interest as defined by Band law, Members shall follow this procedure:
 - (a) the Member with a potential conflict shall announce on the floor the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict;
 - (b) the Clerk shall record in the Minutes the Member’s announcement of a potential conflict of interest; and
 - (c) the Member who announced a potential conflict may, if he or she wishes to record the details of the conflict rather than simply the announcement of a conflict, reduce to writing the nature and details of the potential conflict and file it with the Clerk within one (1) calendar day of adjournment of the meeting in which the potential conflict was

announced. If the Member files a written statement, the Clerk shall record the written statement in the Minutes within one (1) day following receipt of the written statement.

- 4.6. Members may explain a vote on any matter for which a vote is taken, subject to the following:
 - (a) Members may request time for an explanation only after the completion of the vote and the announcement of the results of the vote;
 - (b) Members may speak for up to two (2) minutes; and
 - (c) Members shall limit their comments to those relating to the subject of the vote.
- 4.7. The Speaker may call the Member to order if the explanation does not meet the requirements of Rule 4.6, and the Speaker may direct the Clerk to delete out-of-order material from the Minutes.
- 4.8. If a Member wishes to enter the explanation of his or her vote into the Minutes, the Member shall reduce to writing the substance of the oral explanation. The written explanation must be filed with the Clerk at least five (5) calendar days prior to the next scheduled meeting.
- 4.9. The Clerk shall distribute a printed copy of the measure to each Member prior to any final vote. When a measure is amended by motion from the floor, the Clerk need not distribute a printed copy of the measure as amended prior to a final vote on the measure as amended, unless requested by a Member or the Speaker.

Rule 5. Order of Business

- 5.1. The Speaker shall lead the Band Assembly through the general order of business, which is as follows:
 - (a) Call the Meeting to Order;
 - (b) Roll Call;
 - (c) Approval of the Agenda;
 - (d) Approval of the Minutes;
 - (e) Reports and Presentations;
 - (f) Unfinished Business;
 - (g) New Business;

- (h) Other Business;
 - (i) Messages from the Chief Executive;
 - (j) Messages from the Representatives; and
 - (k) Messages from the Secretary-Treasurer.
- 5.2. The Band Assembly shall decide questions relating to the priority of business without debate.
- 5.3. The Band Assembly may vary the general order of business, provided that any Member or the Parliamentarian may call the orders of the day at any time.

Rule 6. Motions

- 6.1. Members may make a motion either orally or in writing.
- (a) If moved orally, the Speaker shall state the motion.
 - (b) If moved in writing, the Member shall hand the motion to the Clerk who shall read the motion.
- 6.2. After a motion is stated by the Speaker or read by the Clerk, the motion is in the possession of the Band Assembly and may be withdrawn only with the permission of the Band Assembly prior to a decision on the motion.
- 6.3. Motions shall require seconds. The Speaker shall ask whether there is a second to the motion. If, after the Speaker asks twice, there is no second, the motion shall be deemed to have failed.
- 6.4. Members may make any motion identified in the manual identified in Rule 2.5, unless making such motion would be inconsistent with the Rules.
- 6.5. Members may discuss any motion prior to voting on the motion, subject to the following:
- (a) when a motion is made and seconded, the Speaker shall open the floor to discussion regarding the motion and may utilize discretion to recognize any member or non-member;
 - (b) when discussion has ended, the Speaker shall call the vote;

- (c) for purposes of this Rule, discussion shall be considered ended when either a motion to that effect has been passed or the Members, upon inquiry from the Speaker, consent to the Speaker calling the vote; and
 - (d) the Speaker may recognize the Parliamentarian or Legislative Counsel for the purposes of clarifying the nature or effect of the motion, or to resolve any legal questions relating to the motion.
- 6.6. The Band Assembly shall decide all incidental questions without discussion.
- 6.7. An appeal of the decision of the Speaker is undebatable, though the Member making the appeal may briefly state the reason for the appeal, and the Speaker may briefly state the rationale for the ruling.
- 6.8. A motion to end debate shall, until decided, preclude amendments and further discussion on the question, except closing arguments.
- 6.9. The question on a motion shall be put in the following form: “Those in favor say ‘*Eya*’.” Then, “Those opposed say ‘*Gaawiin*.’” Then, “Do any Members wish to remain silent?” The Speaker may pose the question using “aye” and “nay,” respectively, rather than the Ojibwe terms. A Member choosing to remain silent shall be deemed to have abstained from the vote.
- 6.10. When a measure or question has been indefinitely postponed, the Band Assembly may not take further action on the measure or question during the same meeting of the Band Assembly, and the vote is not subject to a motion for reconsideration.
- 6.11. If a motion to indefinitely postpone a measure or question fails, no Member may make the same motion on the same measure or question until the next scheduled meeting.
- 6.12. Members may call for a division of a question if the question presents propositions so distinct in substance that if one is taken away, a substantive proposition remains. However, Members may not seek to divide a question of final passage or adoption of any measure.
- 6.13. Members may amend a measure from the floor if the Band Assembly approves the amendments by majority vote. The Clerk shall note the language of the amendment in the Minutes.
- 6.14. A motion for approval of a nomination shall be considered a main motion.
- 6.15. Members may make a motion for reconsideration when:
- (a) the Member voted on the prevailing side;

- (b) the motion for reconsideration is not for a vote by which a measure was indefinitely postponed, in which case the Member is out of order;
 - (c) the Member gave oral or written notice of intent to move for reconsideration prior to adjournment on the day on which the vote to be reconsidered was taken; and
 - (d) the measure either passed or failed to pass; or
 - (e) a non-procedural motion has been adopted or defeated.
- 6.16. The Band Assembly may discuss the motion to reconsider together with the main question, if the subject of the main question is debatable.
- 6.17. The Band Assembly shall vote on the motion to reconsider on the day on which it was moved.
- 6.18. The Clerk may not transmit a measure passed by the Band Assembly if a Member has given notice of intention to move for reconsideration until either the motion is made or the time in which the Member could make the motion expired. The time in which the Member could make the motion shall be deemed to have expired upon adjournment of the next regularly scheduled meeting, regardless of whether the Member is present at the meeting or, if the measure in question requires delivery to the Chief Executive under 3 MLBS § 17(c), sixty (60) hours after the action to be reconsidered was taken.

Rule 7. Debate and Decorum

- 7.1. Members and non-members present in the Chamber must not obstruct or otherwise interfere with the ability of a speaking Member to see other Members, non-members, and the gallery.
- 7.2. Members and non-members present in the Chamber may not act in a manner disruptive of the proceedings.
- 7.3. The Speaker shall be addressed as “Madam Speaker” or “Mister Speaker.”
- 7.4. The Chief Executive shall be addressed as “Madam Chief” or “Mister Chief.”
- 7.5. Members shall be addressed as “The Representative from District [1, 2, or 3]” or “Representative [last name].”
- 7.6. Members may make the following requests without being recognized by the Speaker:
- (a) a roll call vote;

- (b) to raise a question of work conditions within the Chamber;
- (c) to appeal a decision of the Speaker, if made immediately following the decision;
- (d) to raise a point of order requiring an immediate ruling;
- (e) to raise a parliamentary inquiry requiring an immediate reply;
- (f) to call for the orders of the day;
- (g) to call attention to breaches of decorum;
- (h) to call for a division of a question; or
- (i) for any other reason listed in the manual identified in Rule 2.5.

7.7. Members shall conform to the following:

- (a) Members may distribute written material to Members and non-members during meetings, provided that the written material identifies its author, includes the author's contact information, and is filed with the Clerk prior to distribution;
- (b) Members may request and receive specific material from Legislative Branch employees during meetings;
- (c) Members may read from any paper or book as part of a speech, unless another Member objects, in which case the matter shall be put to a vote without discussion;
- (d) Members may use audio or video reproductions during discussion;
- (e) Members may ask questions of non-members at any time during the non-member's testimony, during which time the recognition of the Speaker is presumed unless expressly withheld;
- (f) Members may ask questions of Legislative Counsel during meetings of the Band Assembly, subject to the following:
 - i. Legislative Counsel may object to answering any question on the basis of preservation of attorney-client privilege or any other reason consistent with the prudent, professional exercise of his or her duties; and
 - ii. notwithstanding (i), the Band Assembly may overrule the objection of Legislative Counsel by majority vote and require an answer be given on the record;

- (g) Members may not speak to issues not relating to the question under discussion;
- (h) Members may not impugn a Member's or non-member's honor, integrity, motive, or other personal characteristics; and
- (i) Members may speak for a reasonable time, as determined by the Speaker, on any matter.

7.8. Non-members shall conform to the following:

- (a) if speaking for the first time regarding the measure or question, the non-member shall state his or her name and, if relevant to his or her testimony, job title before beginning their testimony, which the Clerk shall record in the Minutes;
- (b) if speaking for a second or subsequent time, the non-member shall state his or her name before beginning testimony;
- (c) non-members shall limit their testimony to issues relating to the immediate discussion or debate;
- (d) non-members shall provide open, honest, and factually accurate testimony when testifying before the Band Assembly and may not impugn a Member's or non-member's honor, integrity, motive, or other personal characteristics;
- (e) non-members may speak for a reasonable time, as determined by the Speaker, during which Members may interrupt to ask questions relating to the non-member's testimony;
- (f) non-members may distribute written material to Members and non-members during meetings, provided that the written material identifies its author, includes the author's contact information, and is filed with the Clerk prior to distribution;
- (g) non-members may request to be listed on the agenda, provided that the request of the non-member is sponsored by a Member. If the request is properly sponsored and filed in accordance with Rule 9.2, the Clerk shall place the non-member on the agenda. This section shall apply only to formal inclusion on the agenda, not the general ability of non-members to provide testimony when recognized by the Speaker; and
- (h) non-members may not address the Band Assembly without both filing the Public Testimony Form with the Clerk and receiving recognition from the Speaker.

7.9. Executive branch officials shall conform to the following:

- (a) notwithstanding Rule 7.8(h), executive branch officials may testify without filing the Public Testimony Form;
 - (b) an executive branch official may delegate his or her response to a question from a Member to his or her direct subordinate, provided that the direct subordinate is qualified to speak to the question at hand. For purposes of this Rule, “direct subordinate” means a government employee employed by the department of the executive branch official to whom the question was directed and who answers directly to that executive branch official; and
 - (c) the Chief Executive may address the Band Assembly regarding any subject matter during Messages from the Chief Executive, subject to reasonable restrictions by the Speaker.
- 7.10. Before opening the floor to general discussion or debate on a measure, the Speaker shall ask the Band Assembly whether any Member wishes to give an opening statement. At that time, Members may request up to three (3) minutes of uninterrupted speaking time. Members may not use this time to speak on matters not relating to the immediate discussion or debate. If multiple Members seek recognition under this Rule, the Speaker shall recognize Members in the order established by Rule 4.4.

Rule 8. Bills, Generally

- 8.1. Every bill introduced in the Band Assembly shall bear the name of its sponsor or sponsors and shall comply with 3 MLBS § 29.
- 8.2. Members may withdraw as a sponsor of a bill at any time.
- 8.3. Notwithstanding Rule 8.2, the sponsor may request that the Clerk change the sponsor of the bill to another Member, with the consent of that Member, if the sponsor will be unable to attend the meeting in which the bill is scheduled to be introduced.
- 8.4. When a bill is introduced on the floor, the sponsor shall read the impartial Preamble of the measure. The Speaker, or any Member, may request the bill be read in full. The Members and the Clerk may, when circumstances warrant, alternate turns reading sections of the bill.
- 8.5. The Band Assembly may not act on any bill that lacks a sponsor. The Clerk shall remove from the agenda any bill that lacks a sponsor. The bill may be reintroduced if any Member notifies the Clerk that he or she wishes to sponsor the bill.

Rule 9. The Clerk of the Band Assembly

- 9.1. Under the direction of the Speaker, the Clerk, in addition to performing those duties provided by law or the Rules, shall:

- a. maintain the Band Assembly records, including the Minutes and agenda;
 - b. instruct and supervise staff in the preparation of Band Assembly records;
 - c. receipt for documents transmitted to the Band Assembly and take receipts for documents to be received by the Band Assembly;
 - d. serve as Parliamentarian for the Band Assembly; and
 - e. instruct and supervise Band Assembly employees to whom the Clerk has delegated duties assigned to the Clerk and employees, apart from the personal staff of Members, assigned to duties in the Chamber.
- 9.2. Absent exigent circumstances, the Clerk may not accept any agenda items that he or she has not received five (5) calendar days in advance of the upcoming meeting of Band Assembly in accordance with Legislative Order 30-20.
- 9.3. The Clerk shall designate one (1) copy of the measure as the original copy by placing the copy into the original measure folder. The Clerk shall maintain in the original measure folder copies of all amendments, reports, and a record of all actions on the measure.

Rule 10. Publications and Records

- 10.1. The Band Assembly shall cause Minutes of its proceedings to be maintained that contain a full, true, and correct chronological record of all proceedings of the Band Assembly.
- 10.2. The Revisor of Statutes shall prepare a Status Report to be composed and published monthly during the regular session of the Band Assembly, which shall list in numerical order the measures, including their title, sponsor, and a history of actions taken.
- 10.3. Subject to the needs of Members and Legislative Branch staff in the performance of their official duties and the confidentiality requirements for Band Assembly records from executive sessions, Band Assembly records shall be available for public inspection, subject to any requirements the Speaker considers necessary to ensure their safety.
- 10.4. Arrangements for having records copied may be made and an appropriate fee to cover costs may be imposed. All fees collected under this Rule shall be promptly turned over to the Office of Management and Budget.
- 10.5. Audio and video recordings shall be made of every meeting of the Band Assembly. The Clerk shall keep and maintain said recordings in his or her custody. In the event of technical difficulties or other technological failures during a meeting, the Clerk shall record

the general nature and duration of the technical difficulties in the Minutes and keep and maintain whatever records are possible under the circumstances.

- 10.6. The Speaker shall sign all orders for printing or distribution of publications printed for the Band Assembly, except those publications whose printing or distribution is governed specifically by statute, ordinance, or legislative order.

Rule 11. The Speaker of the Assembly

- 11.1. The duties of the Speaker are as follows:

- (a) the Speaker shall take the chair at the designated time;
- (b) the Speaker shall immediately call the Members to order and request that the Clerk call the roll;
- (c) the Speaker shall preside over the deliberations of the Band Assembly, preserve order and decorum, and decide questions of procedure in accordance with the Rules;
- (d) the Speaker shall have control of the Chamber, including the power to order removal of non-members who violate the Rules;
- (e) the Speaker shall have general control and direction of all Band Assembly employees and all employees of the Legislative Branch when they are in the Chamber;
- (f) the Speaker shall recognize Members and may recognize non-members during witness testimony, discussion, and debate of all measures and questions that arise and otherwise enforce the Rules;
- (g) the Speaker may designate, with the consent of the Chief Executive, a member of the Tribal Police as a temporary Sergeant at Arms to maintain order in the Chamber or otherwise provide security as necessary in the opinion of the Speaker; and
- (h) the Speaker shall appoint such staff as is necessary to perform the duties of the office or to assist the Band Assembly.

- 11.2. The Speaker may not participate in the general debate and discussion of the Band Assembly beyond that which is necessary to fulfill the duties listed in Rule 11.1.

- 11.3. Notwithstanding Rule 11.2, the Speaker may address the Band Assembly in his or her capacity as the Secretary-Treasurer where appropriate, provided that the Speaker appoints a Speaker pro tempore for the period during which he or she is speaking in that capacity.

- 11.4. The Speaker may appoint a Member to act as the presiding officer in the Speaker's absence, or as needed under Rule 11.3, whose title shall be Speaker pro tempore, subject to the following:
- (a) appointment as Speaker pro tempore shall expire upon adjournment of that day's meeting;
 - (b) the Speaker pro tempore shall perform all the duties of the Speaker;
 - (c) the Speaker pro tempore shall yield the chair to the Speaker at the Speaker's pleasure;
 - (d) the Speaker pro tempore may introduce a bill sponsored by the Speaker pro tempore as provided in Rule 8.4;
 - (e) the Speaker pro tempore may speak on any issue on which a Member may speak;
 - (f) the Speaker pro tempore may second any motion while presiding, but may not otherwise make any motion while presiding; and
 - (g) the Speaker pro tempore may vote while presiding.

Rule 12. Nominations

- 12.1. All nominations shall be handled in a manner consistent with Legislative Order No. 022 and Legislative Order 31-21.
- 12.2. Upon receipt of a nomination, except for a critical nomination, the Clerk shall place the nomination on the agenda, subject to Rule 9.2.
- 12.3. Upon receipt of a critical nomination from the Chief Executive, a cover letter signed by the Chief Executive, the contact information and resume of the nominee, and the results of a completed criminal background check pursuant to 24 MLBS § 1054(j), the Clerk shall place the critical nomination on the Band Assembly Agenda, subject to Rule 9.2.
- 12.4. The Speaker shall request that a Member move to approve the nomination. If, after three (3) requests by the Speaker, no Member has moved to ratify the nomination, the nomination fails.
- 12.5. If a Member moves to approve the nomination, the Band Assembly, including the Speaker, may debate the nomination. If debate has ended, then the Speaker shall call for a vote. For purposes of this Rule, debate shall be considered ended when either a motion to that effect has been passed or the Members, upon inquiry from the Speaker, consent to the Speaker calling the vote.

- 12.6. All votes on nominations shall be roll call votes.
- 12.7. Debates on nominations may be held in executive session.
- 12.8. Once the nomination is approved or denied, the Clerk shall notify the nominating individual that the nomination has passed or failed. If the nomination failed, the Clerk shall request that the nominating individual make another nomination for the position.
- 12.9. If the nomination fails or is withdrawn, the Band Assembly may not consider a subsequent nomination of the same individual to fill the same position and term of office.

Rule 13. Executive Sessions

- 13.1. The Band Assembly may, by majority vote, enter an executive session for any reason consistent with the applicable Constitution, statute, legislative order, or the Rules.
- 13.2. The Band Assembly agenda shall identify which items are reserved for executive session.
- 13.3. If an agenda item is not initially reserved for executive session but yields information that warrants an executive session, the Band Assembly may move that item into executive session by a majority vote.
- 13.4. Executive sessions shall be closed to the public.
- 13.5. Non-members who are specifically identified on the agenda for executive session items may attend executive sessions. The Band Assembly may invite non-members not listed on the agenda if the presence of those non-members is necessary to resolve the question or questions presented.
- 13.6. Executive session records shall be kept confidential if the records contain personally identifiable information or information considered privileged by the government.
- 13.7. Notwithstanding Rule 13.6, the Band Assembly may, by majority vote, make public specific records from executive session. However, the Band Assembly shall not intentionally reveal personally identifiable information without the signed consent of the individual in question, which shall be filed with the Clerk and attached to the record being made public.

Appendix 1. Quick Reference for the Speaker

At the time designated for meetings, you shall take the chair, call the Members to order, and request that the Clerk take the roll. (Rule 11.1(a) and (b))

You control the Chamber and no one may speak without first being recognized. Note, however, that some requests from members do not require recognition. You may control how long Members and non-members speak because you may withdraw recognition, at which time they may no longer speak. Non-members (except executive branch officials) may not be recognized unless they have filed a Public Testimony Form with the Clerk. Non-members who wish to testify must identify themselves before beginning their testimony, and you must request that they identify themselves if they fail to do so. (Rules 7.6, 7.7, 7.8, 7.9, 11.1)

“The Chair recognizes [the individual who wishes to speak].”

“The Chair recognizes [the individual who wishes to speak] for [X] minutes.”

“The Chair does not recognize [the individual who wishes to speak].”

You do not need to expressly recognize Members who are asking questions of witnesses. Recognition in this instance is presumed, but a simple nod or gesture is a good practice to confirm that the Member is recognized. To withhold recognition in this instance, you must expressly state that the Member is not recognized. Note that Members may not ask questions of a witness that you have not recognized. (Rule 7.7)

Example 1: The Comm’r for Corporate Affairs is testifying about a contract. A member then interrupts and asks a question of the Comm’r of Finance. This is out of order because the Comm’r of Finance has not been recognized.

Example 2: The Comm’r of Administration is testifying about a bill. A member interrupts and asks a question of the Comm’r of Administration. This is permissible because the Comm’r of Administration was already recognized.

You must call Members and the public to order if they break the Rules. For example, nobody may not speak on issues not relating to the immediate question, attack another’s personal characteristics, or speak for an unreasonable time on any issue. (Rules 4.7, 7.7, 7.8, 7.9)

“The Representative from District [1, 2, or 3] is out of order”;

“The Member is out of order”; or

“The Member is no longer recognized.”

Before opening the floor to general discussion or debate, you must ask the Band Assembly whether any Member wishes to give an opening statement. Members may request up to three

minutes of uninterrupted speaking time. If they speak on matters not relating to the immediate discussion or debate, you must call them to order. If multiple Members request recognition, recognize them in order of district number. (Rule 7.10)

“The Chair will now recognize any Member wishing to give an opening statement.”

“The Chair recognizes Representative [Name] for [the amount of time requested by the Representative].”*

*If no time is stated, say “three minutes.”

You may cut off non-member testimony. Non-members may speak for a reasonable time, as determined by your judgment. You may withdraw recognition if they exceed that reasonable time, or if they break any rule. (Rule 7.8)

“The Chair no longer recognizes [the individual who is speaking.]”

You may request that the Sponsor read the entire bill. Sponsors are only required to read the impartial Preamble. However, you, or any Member, may request a full reading. (Rule 8.4)

“The Chair requests that the Sponsor read the bill in its entirety.”

“At the request of Representative [name], the Chair directs the Sponsor to read the bill in its entirety.”

For nominations, you must request that a Member move to approve the nomination. After requesting three times without response, nomination will fail. Note that Members may also make a motion to reject the nomination, but you are not required to request that motion. (Rule 12.4)

“The Chair will entertain a motion to approve the nomination of [nominee’s name] for [position].”

“Hearing no such motion, the nomination of [nominee’s name] for [position] fails.”

You must order a roll call vote if you are uncertain of the results of a voice vote. (Rule 4.3, 4.5)

“In the judgment of the Chair, a roll call vote is necessary. The Clerk shall call the roll.”

If Members must be absent for a session, they must request excusal from you. You have considerable latitude to determine what would justify a Member’s absence from session. The reason must create, in your judgment, “sufficient hardship” to justify the absence. However, the Clerk must mark the Member as “absent” rather than “excused” unless the Band Assembly consents. *See* 3 MLBS § 8(a)(4). Consent is presumed unless a present Member objects to the excusal. (Rule 3.5)

To adjourn the meeting, you may ask for a motion to adjourn the session. Be careful with the wording. If a Member moves for recess, the Band Assembly must reconvene because the meeting

is not over. If a Member moves for adjournment, the Band Assembly is adjourned until the next regularly scheduled meeting. If a Member moves for adjournment *baanimaa*, the Band Assembly is adjourned until the next legislative session, meaning that all regularly scheduled meetings after that adjournment *baanimaa* are cancelled and you must call special sessions for all meetings between that adjournment *baanimaa* and the beginning of the next legislative session. (See Rule 1.2(a), (b), and (z))

“The motion is for a [X] minute recess of the Band Assembly.”

“The motion is to adjourn this session of the Band Assembly.”

“This motion is to adjourn this session of the Band Assembly *baanimaa*.”

If Members have legal questions to ask Legislative Counsel, best practice is to declare a brief recess. Members may ask questions of Legislative Counsel during meetings. However, Legislative Counsel may object to answering on the basis of preservation of attorney-client privilege or “any other reason consistent with the prudent, professional exercise of his or her duties.” The Band Assembly may overrule that objection and require an answer be given on the record. Note that you are not required to ask whether the Member wishes to move to overrule the objection. (Rule 7.7(f)).

“The Band Assembly shall stand in recess [until (X) -or- for (X) minutes].” (For a set recess)

“The Band Assembly shall stand in recess, subject to the call of the Chair.” (Meaning you may call back to session at any time.)

“Does the [Member who asked the question] wish to overrule the objection of Legislative Counsel?” (If yes, call the vote)

In case of a disturbance in the Chamber, you may clear the Chamber by declaring a temporary recess. If necessary, you may appoint a temporary Sergeant at Arms to maintain order in the Chamber. (Rules 3.4, 11.1)

You may appoint a temporary presiding officer. This appointment does not require a vote, nor does it require your presence in the meeting. However, it must be communicated to the Members and the Clerk. You may retake the chair at any time. (Rule 11.2)

“The Chair appoints the Representative from District [1, 2, or 3] as the Speaker pro tempore for this session of the Band Assembly.”

If the Speaker designated you as a temporary presiding officer, your title is Speaker pro tempore (often abbreviated to Speaker pro tem). You shall perform all of the Speaker’s duties, shall yield the chair to the Speaker at the Speaker’s pleasure, may speak on any issue on which you could speak as a Member (except to make a motion), and may vote while presiding. The appointment lasts only until adjournment or until the Speaker retakes the chair. (Rule 11.2)

Any scripted responses included in this Appendix are only suggestions, and deviation from them does not necessarily render the Speaker’s words null. The Speaker has considerable

latitude in diction and syntax, provided that the meaning and implications of the Speaker's words would be clear to a listener with a basic knowledge of the Rules.

This Appendix does not constitute the actual Rules. This Appendix is intended as a general guide and quick reference material. Any provision of this Appendix that contradicts or is otherwise inconsistent with the Rules is null.

If you have any questions on the Rules, you may ask the Parliamentarian for clarification.

Appendix 2. Quick Reference for Members

During session, address the other elected officials by their titles. (Rules 7.3, 7.4, 7.5)

“Madam/Mister Speaker”

“Madam/Mister Chief”

“Representative [Name]”

You need recognition from the Speaker to speak. Unless you are making a request from the list in Rule 7.6, you may not hold the floor unless the Speaker recognizes you. (Rules 7.7, 11.1)

“Mr. Speaker, may I be recognized?”

“Mr. Speaker?”

You may question the witness at any time. You may interrupt a witness’s testimony at any time with questions. Address the Speaker pro forma before beginning your question. During witness testimony, recognition from the Speaker is presumed and does not need to be expressly requested. However, the Speaker may expressly refuse recognition, in which case you may not ask the question. You may not ask questions of a witness that has not been recognized by the Speaker. (Rule 7.7)

“Mr. Speaker. [Witness’s name], [question]?”

“Mr. Speaker, may I ask a question of [desired witness]?”

Example: The Comm’r for Corporate Affairs is testifying about a contract. A member then interrupts and asks a question of the Comm’r of Finance. This is out of order because the Comm’r of Finance has not been recognized.

You may make a motion either orally or in writing. Motions require seconds. (Rules 6.1, 6.3, 6.4)

“I move that the Band Assembly adopt [the measure].”

When a motion is made, the Members may discuss the question presented. Debate is concluded in one of two ways. First, if a Member makes a motion to end debate, and the motion passes. Second, if the Speaker inquired whether debate has ended, and the Members consented to closing debate. After discussion ends, the vote will occur. (Rules 6.5, 6.6).

You only need to read the impartial Preamble of the bill when it is introduced. However, the Speaker, or any Member, may request a reading of the entirety of the bill. (Rule 8.4)

“Mr. Speaker, I request that the Sponsor read the entirety of the bill.”

You may request a roll call vote on any issue. This does not require a second. (Rule 4.2)

You may explain your vote on an issue. After any vote, you may request up to two minutes to explain your vote on the matter, provided that you limit your comments to those relating to the subject of the vote. You may not request to explain your vote until after the vote is taken and the results are announced. (Rules 4.6, 4.7, 4.8)

“Mr. Speaker, I request [X] minutes to explain my vote.”

You may move to adjourn or recess the session at any time. However, be careful of the language of the motion. If you move for a recess, the Band Assembly must reconvene later because the meeting is not over. A motion to adjourn means that the Band Assembly is adjourned until the next regularly scheduled meeting. A motion to adjourn *baanimaa* means that the Band Assembly is adjourned until the next legislative session – meaning that all regularly scheduled meetings between that adjournment *baanimaa* and the beginning of the next legislative session are cancelled unless the Speaker calls special sessions. (Rule 1.2(a), (b), and (z))

“Mr. Speaker, I move that the Band Assembly stand in recess for [X] minutes.”

“Mr. Speaker, I move that the Band Assembly adjourn.”

“Mr. Speaker, I move that the Band Assembly adjourn *baanimaa*.”

If the Band Assembly has acted on a measure and you have changed your mind on the vote, you may make a motion to reconsider. Review Rule 6.15 for the full details. (Rule 6.15)

“Mr. Speaker, I move to reconsider the action we took on [the measure].”

If you have a potential conflict of interest, you must announce it on the floor before voting on the issue. If you want the details of the conflict entered into the Minutes, rather than just the announcement, provide the Clerk with a written copy within one (1) day. (Rule 4.5)

“Mr. Speaker, I have a potential conflict of interest. [Explanation of the nature of the potential conflict.]”

If you cannot attend any meeting of the Band Assembly, you must request that the Speaker excuse you. The Speaker may excuse you for any reason that, in the Speaker’s judgment, creates “sufficient hardship” to justify the absence. Note, however, that the Band Assembly must consent to the Speaker’s decision before the Clerk will mark “excused” rather than “absent.” See 3 MLBS § 8(a)(4). (Rule 3.5)

You may ask questions of Legislative Counsel during meetings. However, Legislative Counsel may object to answering the question on the basis of preserving attorney-client privilege or “any other reason consistent with the prudent, professional exercise of his or her duties.” If Legislative Counsel objects, you may move that the Band Assembly overrule the objection. An alternative is to simply move for a brief recess to consult with Legislative Counsel. (Rule 7.7(f)).

“Mr. Speaker, I move that the Band Assembly overrule the objection of Legislative Counsel.”

“Mr. Speaker, I move that we take a five-minute recess to consult with Legislative Counsel.”

If the need arises, you may suspend the Rules. However, this is permissible only under “exigent circumstances” and requires a unanimous roll call vote. The motion must state which Rule or Rules are to be suspended and the reasons for the proposed suspension. (Rule 2.3)

“Mr. Speaker, I move that the Band Assembly suspend [the Rule/Rules] [until (time) or for (X minutes)] because [reasons].”

You may amend the Rules by majority vote. However, there are some requirements, including that the proposal cannot be voted upon until at least the next day. (Rules 2.1, 2.2)

Any scripted responses included in this Appendix are only suggestions. Members have wide latitude to use different words or syntax, provided that a reasonable listener with a basic knowledge of the Rules would understand the intent of the Member. If a Member’s request is unclear, ask for clarification from the Speaker through a parliamentary inquiry or point of order, as appropriate.

This Appendix does not constitute the actual Rules. This Appendix is intended as a general guide and quick reference material. Any provision of this Appendix that contradicts or is otherwise inconsistent with the Rules is null.

You may ask the Speaker or the Parliamentarian for clarification of the Rules.

“Mr. Speaker, I have a parliamentary inquiry. [Question to Speaker/Parliamentarian]?”

Appendix 3. Public Testimony Form

PURSUANT TO RULE 7.8(g), non-members, meaning a member of the public, government official or employee, or any other private individual, may testify at meetings of the Band Assembly only by filing a signed copy of the Public Testimony Form (“Form”) with the Clerk. If you do not file a signed copy of this form with the Clerk, the Speaker will not permit you to testify during the meeting. This Form provides notice of the most relevant Rules for the public. However, every person seeking to testify should familiarize themselves with the entire set of Rules. (Rules 1.2(t), 7.8(g)).

Do not speak unless you have been recognized by the Speaker. The Speaker controls the meeting, and you may not testify unless the Speaker permits. The Speaker may withdraw recognition at any time, after which you may not speak any longer. You must address the Speaker, the District Representatives, and the Chief Executive respectfully. (Rules 7.3, 7.4, 7.5, 7.8, 11.1).

Identify yourself before beginning to speak. The first time you testify on any issue, you must state your name and, if it is relevant, your job title. (E.g., if you are a government employee testifying on an issue relating to your department) Every subsequent time you speak on the same issue, state your name before beginning your testimony. (Rules 7.8(a) and (b)).

Limit your testimony to the issue immediately at hand. The Band Assembly welcomes your input, but during meetings limit your comments to those directly relating to the question before the Band Assembly. The Speaker will withdraw recognition if you do not stay on topic. (Rule 7.8(c)).

Where possible, have your testimony prepared in advance. You do not need to have it written out, but plan out what you want to say ahead of time because the District Representatives may interrupt you at any time to ask questions relating to your testimony. Additionally, keep any relevant facts, figures, and supporting documents nearby for reference, just in case. (Rules 7.8(d) and (e)).

Be concise. Once recognized by the Speaker, you may speak for a reasonable period of time, as determined in the judgment of the Speaker. Psychologists say that a good rule of thumb is to speak for no longer than five consecutive minutes on any given topic. (Rule 7.8(e)).

Remain respectful at all times. Address your comments through the Speaker. You may not question the honor, integrity, motive, or personal characteristics of any Member or non-member. (Rule 7.8(d)).

You may request formal inclusion on the agenda. This is NOT NECESSARY to give testimony. This only applies to formally listing yourself as an item on the agenda. Reasons this may be desirable include wishing to speak on an issue not listed on the agenda or otherwise not under consideration by the Band Assembly. Your request must be sponsored by a District

Representative and filed with the Clerk at least five (5) calendar days before the meeting at which you wish to be included on the agenda. (Rule 9.2).

FOR REMOTE MEETINGS

Mute your microphone. Unless you are seeking recognition from the Speaker or testifying, keep your microphone muted when participating in a remote session of the Band Assembly.

Ensure that you have a strong Internet connection and are in a quiet location. The Band Assembly wants to hear your testimony, but that is often more difficult in remote sessions than when meeting in the Chamber. Unless it is unavoidable, situate yourself in a quiet location in your home or workplace and double check your Internet connection, microphone, and webcam before joining the meeting.

Turn on your camera when you testify. Just as the Band Assembly wants to hear your testimony, they want to see their constituents. This is not required, but if you have a webcam, please turn it on when you are testifying so the Band Assembly can see you.

FILE THE NEXT PAGE WITH THE CLERK

INSTRUCTIONS

Option A: To testify on a listed agenda item, fill out Section 1 and the signature block. Do not complete Section 2 or get a signature from a sponsoring District Representative.

Option B: If you wish to be listed on the agenda, fill out Section 2 and the signature block (including a signature from the sponsoring District Representative). This must be filed at least five (5) days in advance of the meeting at which you wish to be listed on the agenda.

Section 1.

On which item on the agenda do you wish to testify? _____

How much time do you request to testify? _____

Section 2.

Which District Representative sponsored you? _____

What is the subject of your testimony? _____

How much time do you request to testify? _____

On which day do you wish to be included on the agenda? _____

BY SIGNING THIS FORM, you certify that you have read the entire Form and shall abide by the provisions of the Form and the Rules. Filing this Form does not entitle you to testify during the meeting, nor does it entitle you to the full amount of speaking time requested above. The Speaker, in his or her discretion, may permit any person who filed the Form with the Clerk to testify regarding the agenda items listed on the Form and may limit that testimony in his or her judgment. Filing this Form with the Clerk is required if you wish to testify at the meeting of the Band Assembly.

Printed Name

Signature

Date

DISTRICT REPRESENTATIVE SIGNATURE
(Only Required for Option B)