



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

LEGISLATIVE ORDER 019

ANNULMENT OF SOLICITOR'S OPINION 00-22

WHEREAS, the Band Assembly is the duly elected governing body of the Mille Lacs Band of Ojibwe; and,

WHEREAS, pursuant to 3 MLBSA § 17 and 4 MLBSA § 18(d) the Band Assembly is authorized to annul or amend a Solicitor's Opinion by Legislative Order; and

WHEREAS, a Solicitor General's Opinion was requested by the Commissioner of Administration on October 22, 1999 concerning the authority of the Band Assembly to ratify contracts entered into by executive branch departments; and

WHEREAS, the Band Assembly received a copy of Solicitor's Opinion 00-22 which purports to void and declare unenforceable Ordinance 17-98 § 26(b)(5) and served Notice of Intent to Annul to the Chief Executive and the Solicitor General; and

WHEREAS, a hearing was held and the Solicitor General did not appear to justify Solicitor's Opinion 00-22; and

NOW BE IT ORDERED, pursuant to the powers vested in the Band Assembly the Solicitor General's Opinion 00-22 is annulled in its entirety and replaced by the following rules.

PART I

Rule 1.

The Chief Executive or the Band Assembly, shall have the exclusive authority to request a formal Opinion of the Solicitor General, as described in 4 MLBSA § 18(d), regarding interpretations of titles 1, 2 Chapter 1, 3, 4 or 5 of the Mille Lacs Band Statutes Annotated.

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359
(320) 532-4181 • Fax (320) 532-5800

DISTRICT II

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

DISTRICT III

Route 2 • Box 233-N • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

Rule 2.

The Chief Executive or the Band Assembly, shall have the exclusive authority to request a formal Opinion of the Solicitor General, as described in 4 MLBSA § 18(d), regarding interpretations which define, alter, amend, restrict or expand any authority of any of the three respective branches of the Mille Lacs Band.

PART II

Rule 1.

The authority of the Solicitor General to interpret the laws of the Mille Lacs Band in a formal Opinion of the Solicitor General does not include the authority to declare a statute, or any part thereof, as void and unenforceable.

PART III

Rule 1.

Ordinance 17-98 § 26(b)(5), which requires the ratification by the Band Assembly of all contracts in excess of \$25,000, is a valid and enforceable law of the Mille Lacs Band of Ojibwe.

Rule 2.

All contracts in excess of \$25,000 entered into by the executive branch, the legislative branch, the judicial branch or any political subdivision of the Band and as required by Ordinance 17-98 shall require the approval of the Band Assembly.

IT IS SO ORDERED

DONE, at the Mille Lacs Government Center the 17th day of May, 2000.

Herb Weyaus, Speaker of the Assembly

Suzanne Merrill, District I Representative

Marvin Bruneau, District II Representative

Harry Davis, District III Representative

Accepted as to Form
and Execution

Adam Altman, Solicitor General

OFFICIAL SEAL OF THE BAND