



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 14-01-36-10

A JOINT RESOLUTION OF THE MILLE LACS BAND OF CHIPPEWA INDIANS APPROVING THE USE OF DNA TESTING TO DETERMINE PARENTAGE FOR ENROLLMENT PURPOSES

- WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Chippewa Indians; and
- WHEREAS, the Chief Executive of the Band is empowered to exercise the Executive Branch powers of the Band; and
- WHEREAS, the Mille Lacs Band of Chippewa Indians is one (1) of the six (6) Chippewa Bands forming the Minnesota Chippewa Tribe (“MCT”); and
- WHEREAS, Article III of the Minnesota Chippewa Tribe Revised Constitution and Bylaws empower the Tribal Executive Committee (“TEC”) as the governing body of the MCT; and
- WHEREAS, the Secretary-Treasurer and the Chief Executive are voting members of the TEC; and
- WHEREAS, Article II of the Minnesota Chippewa Tribe Revised Constitution mandates the tribal membership criteria for all six (6) Bands; and
- WHEREAS, Article II, Section 1(c) of the Minnesota Chippewa Tribe Revised Constitution requires that, in order to be enrolled with the MCT, a child born after July 3, 1961 must be at least one quarter (1/4) degree MCT blood and must be a child of an enrolled Band member; and
- WHEREAS, the Band Assembly and Chief Executive acknowledge that it has come to their attention that some Band Members may be taking advantage of the lack of a requirement to provide proof of parentage via DNA testing for purposes of their child’s or relative’s enrollment; and
- WHEREAS, the Band Assembly and Chief Executive have determined that it is in the best interest of the Mille Lacs Band of Chippewa Indians to require that all applications for enrollment beginning on the date this Joint Resolution is approved by the Band Assembly and Chief Executive to be submitted to a lab chosen by the Band to conduct parentage/DNA testing prior to enrollment into the Mille Lacs Band of Chippewa Indians; and

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WHEREAS, the lab that is to be contracted to provide such DNA testing shall be required to submit testing results showing that there is at least a 99% chance that the biological parents and child are related as biological parent and child; and

WHEREAS, the Mille Lacs Band of Chippewa Indians hereby reserves the right to require DNA testing of any enrolled Mille Lacs Band Member who is suspected of the fraudulent use of an Affidavit of Paternity or other means to become enrolled with the Mille Lacs Band. If such reasonable suspicion is reported in good faith to one of the elected officials, such report shall be forwarded to the Solicitor General's office and may result in prosecution for fraud if DNA testing of such individual indicates to a 99% certainty that no biological relationship exists with the Band Member who is claimed to be his/her parent; and

WHEREAS, the Band Assembly and Chief Executive acknowledge that Band Resolution 05-04-176-93 which authorized the use of an Affidavit of Paternity shall no longer be permitted after the adoption of this Resolution and that Resolution 05-04-176-93 is hereby rescinded; and

WHEREAS, the Band Assembly and Chief Executive have also determined that it is in the best interest of the Mille Lacs Band of Chippewa Indians to require that applicants pay the costs of such DNA testing in the maximum amount of \$75.00 to have their child enrolled and agree that this amount may be deducted from a Band Member's per capita payment in one lump payment to reimburse the Band for the cost of testing.

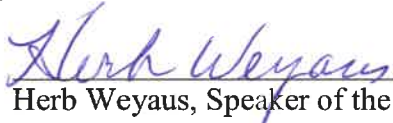
NOW THEREFORE BE IT RESOLVED, that the Band Assembly and Chief Executive have determined that it is in the best interest of the Mille Lacs Band of Chippewa Indians to require that all enrollment applicants submit to DNA testing beginning on the date this Resolution is approved and continuing forward prior to being allowed to enroll with the Mille Lacs Band of Chippewa Indians and that such costs of DNA testing shall be the applicant's responsibility.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Band Assembly and Chief Executive hereby reserves the right to require DNA testing of any enrolled Mille Lacs Band Member who is suspected of the fraudulent use of an Affidavit of Paternity or other means to become enrolled with the Mille Lacs Band. If such reasonable suspicion is reported in good faith to one of the five Mille Lacs Band elected officials, such report shall be forwarded to the Solicitor General's office and may result in prosecution for fraud if DNA testing of such individual indicates to a 99% certainty that no biological relationship exists with a Band Member who is claimed to be his/her parent.

NOW THEREFORE BE IT FURTHER AND FINALLY RESOLVED, that Resolution 05-04-176-93 authorizing the use of an Affidavit of Paternity is hereby rescinded on this date.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 1st day of February, 2010, at Vineland, Minnesota by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.



Herb Weyaus, Speaker of the Assembly

IN COCURRENCE, with the action of the Speaker of the Assembly, I, hereunto set my hand to this resolution.



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND