

# Rules of Procedure for Band Assembly



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# 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) “**Compromise bill**” means a bill passed by the Band Assembly, vetoed by the Chief Executive, and returned to the Band Assembly for compromise during a compromise hearing.
  - (i) “**Critical nomination**” means a nomination by the Chief Executive for any Commissioner, Judge, Justice, Corporate Board Member, or the Solicitor General or

any nomination by the Secretary-Treasurer for membership on the Institutional Investment Committee.

- (j) “**Drafting Manual**” means the document or book designated by the Revisor of Statutes as the official style guide for Band Assembly legislation.
- (k) “**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.
- (l) “**Executive session**” means a meeting of the Band Assembly that is closed to the public.
- (m) “**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.
- (n) “**The Floor**” means the physical area immediately surrounding the Members’ chairs and desks.
- (o) “**Judicial Branch official**” means a justice of the Court of Appeals, a judge of the District Court, the Court Administrator, the Clerk of Court, and legal staff employed by the Judicial Branch.
- (p) “**Legislative Counsel**” means the individual or individuals employed to provide legal advice to the legislative branch.
- (q) “**Legislative Order**” means a directive passed pursuant to 3 MLBS § 30.
- (r) “**Measure**” means a bill, resolution, legislative order, amendment, or any legislation under consideration by the Band Assembly.
- (s) “**Member**” means a popularly elected District Representative.
- (t) “**Minutes**” means the record of minutes of the meetings of the Band Assembly.
- (u) “**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.
- (v) “**Non-member**” means a member of the public, Executive Branch official, Judicial Branch official, government official or employee, or any other private individual except the Speaker and the Members.

- (w) **“Original copy”** means the copy of a measure placed by the Clerk into the original measure folder.
- (x) **“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.
- (y) **“Parliamentarian”** means the Clerk pursuant to 3 MLBS § 10.
- (z) **“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.
- (aa) **“Printed version”** means a document in either physical or digital form.
- (bb) **“Recess”** means a short intermission in a meeting of the Band Assembly.
- (cc) **“Remote technology”** means any technology designed to facilitate meeting outside the physical Chamber, including video conferencing, telephone, or other means.
- (dd) **“Resolution”** means a formal expression of opinion, will, or intention voted on by the Band Assembly.
- (ee) **“Rules”** means the rules adopted by the Band Assembly pursuant to 3 MLBS § 12.
- (ff) **“Speaker”** means the Speaker of the Assembly or the designee of the Speaker of the Assembly.
- (gg) **“Sponsor”** means the Member who introduced or intends to introduce a measure.

#### **Historical Notes**

Source:

Legislative Order 33-21.

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

Minutes, 21st Band Assembly, 1st Sess. at p. 2 (April 30, 2024).

### **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 legislative 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*.

#### **Historical Notes**

Source:  
Legislative Order 33-21.  
Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

### **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. Pursuant to Legislative Order 30-20, 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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.  
Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

#### **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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.

#### **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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.

#### **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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.

#### **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 “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 privilege;
- (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. Judicial Branch officials shall conform to the following:

- (a) notwithstanding Rule 7.8(h), Judicial Branch officials may testify without filing the Public Testimony Form; and
- (b) excepting issues not related to measures under consideration, Judicial Branch officials may only testify regarding legislation insofar as the proposed legislation pertains to court processes and procedures.

7.11. 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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.  
Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

## **Rule 8. Measures**

- 8.1. Every measure introduced in the Band Assembly shall bear the name of its sponsor or sponsors and shall comply with 3 MLBS § 31.
- 8.2. Members may withdraw as a sponsor of a measure at any time prior to passage of the measure.
- 8.3. Notwithstanding Rule 8.2, the sponsor may request that the Clerk change the sponsor of the measure to another Member, with the consent of that Member, if the sponsor will be unable to attend the meeting in which the measure is scheduled to be introduced.
- 8.4. When a measure is introduced on the floor, the sponsor may waive the formal reading of the measure or may read such portions as he or she wishes. The Speaker, or any Member, may request the measure 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 measure that lacks a sponsor. The Clerk shall remove from the agenda any measure that lacks a sponsor. The same measure may be reintroduced immediately or during any subsequent meeting if any Member notifies the Clerk that he or she wishes to sponsor the measure.

### **Historical Notes**

Source:

Legislative Order 33-21.

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

Minutes, 21st Band Assembly, 1st Sess. at p. 2 (April 30, 2024).

## **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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.

#### **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 legislative 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.

## Historical Notes

Source:

Legislative Order 33-21.

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

### 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.

#### **Historical Notes**

Source:

Legislative Order 33-21.

#### **Rule 12. Nominations**

- 12.1. All nominations shall be handled in a manner consistent with Legislative Order No. 022 and Legislative Order 38-25.
- 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. For any nominee other than a Judge or Justice, upon receipt of a critical nomination letter from the Chief Executive, the contact information and resume of the nominee, and the unabridged results of a completed criminal background check pursuant to 24 MLBS § 1054(j), the Clerk may, with the consent of two (2) District Representatives or one (1) District Representative and the Speaker of the Assembly, place the critical nomination on the Band Assembly Agenda, subject to Rule 9.2.
- 12.4. For any nomination of a Judge or Justice, the Parliamentarian may, immediately upon receipt of the nomination materials from the Chief Executive, place the nomination on the Band Assembly agenda and the criminal background check shall run concurrently.

- 12.5. 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.
- 12.6. 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.
- 12.7. All votes on nominations shall be roll call votes.
- 12.8. Debates on nominations may be held in executive session.
- 12.9. 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.
- 12.10. 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.

#### **Historical Notes**

Source:

Legislative Order 33-21.

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

Minutes, 21st Band Assembly, 3rd Sess. at p. 3 (June 25, 2025).

#### **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.

#### **Historical Notes**

Source:  
Legislative Order 33-21.

#### **Rule 14. Hearings of Inquiry**

- 14.1. The Band Assembly may only initiate a hearing of inquiry by voting on and passing a writ of inquiry.
- 14.2. All votes on writs of inquiry shall be roll call votes.
- 14.3. The Speaker shall issue the formal writ of inquiry, which must state the purpose of the inquiry, the date, hour, and location on which the inquiry will begin, and any other information deemed necessary by the Speaker, within five (5) calendar days after the passage of a writ of inquiry.
- 14.4. The Band Assembly may amend writs of inquiry by roll call vote.
- 14.5. The Clerk shall publish the writ of inquiry after it is issued by the Speaker.
- 14.6. The Clerk shall maintain the records of all hearings of inquiry separately from the Band Assembly records.
- 14.7. Hearings of inquiry shall be open to the public.
- 14.8. Notwithstanding Rule 14.7, hearings of inquiry may enter an executive session as provided in Rule 13.1. In determining whether to enter an executive session, members shall consider the following factors:
  - (a) whether the testimony or evidence would endanger the security of the Band if it were made public; and

- (b) whether the release of the testimony or evidence would violate any applicable constitution, statute, or Rule.
- 14.9. Members with a potential conflict of interest in the inquiry proceedings shall follow the procedures established in Rule 4.5, file a written statement with the clerk under Rule 4.5(c), and recuse himself or herself from all votes regarding and participation in the inquiry proceedings. For the purposes of hearings of inquiry proceedings, “potential conflict of interest” includes inquiries in which the testimony, evidence, or investigation involves the member’s individual conduct while serving as a member of the Band Assembly, inquiries in which the investigation includes or implicates a first-degree relative of the member, including step- and adopted relations, and any other potential conflicts of interest as defined by Band law.
- 14.10. The Band Assembly shall appoint a hearing officer, who must be a justice of the Court of Central Jurisdiction or a licensed attorney who is knowledgeable in Band law and judicial philosophy.
- 14.11. The hearing officer shall have the following duties:
- (a) to conduct a diligent investigation consistent with the Rules, internal procedures adopted by the legislative branch, and Band law;
  - (b) to draft and submit to the Band Assembly interim reports detailing the progress of the investigation and any other information deemed relevant, if determined to be necessary or desirable by the Band Assembly or the hearing officer;
  - (c) to notify the Speaker and the subjects of the investigation when the investigation is complete; and
  - (d) to draft and submit to the Band Assembly a report detailing the hearing officer’s findings of fact and conclusions of law.
- 14.12. The hearing officer shall have the following powers:
- (a) to administer affirmations and oaths;
  - (b) to subpoena records, documents, and other oral or written testimony;
  - (c) to consult with experts on the subject matter of the investigation;
  - (d) to appoint additional personnel as necessary to carry out the investigation, subject to approval by the Band Assembly;

- (e) to request assistance from the Solicitor General, including access to records, files, or other materials relevant to the investigation and personnel necessary to perform the duties of the hearing officer;
- (f) to request that the Band Assembly expand or otherwise change the subject of the investigation stated in the writ of inquiry, if the hearing officer in the course of the investigation reasonably believes that the investigation should be expanded or changed; and
- (g) to request that the Band Assembly extend the time period in which the investigation was to be completed, if the writ of inquiry specifies a time certain for ending the inquiry and the hearing officer requires more time than the writ permits.

14.13. All testimony given during the hearing of inquiry shall be made under affirmation or oath.

14.14. The Clerk shall provide notice to all witnesses. Notice shall be given at least three (3) calendar days in advance of the scheduled appearance and must include the following:

- (a) the date, time, and place at which the testimony is to be provided;
- (b) a reasonable description of the expected scope of the testimony, which shall not limit the hearing officer or the members from expanding the scope should additional relevant facts be uncovered during witness testimony; and
- (c) a reasonable description of any writings, drawings, graphs, charts, photographs, records, data, documents, files, or any other evidence requested by the hearing officer, provided that:
  - (i) the hearing officer need not be familiar with the proper nomenclature or description of the evidence to be produced at the time the evidence is requested;
  - (ii) if the hearing officer is unfamiliar with the proper nomenclature or description, the individual charged with control of the evidence or the Executive Branch official in charge of the relevant department shall assist the hearing officer in locating the desired evidence; and
  - (iii) all evidence shall be provided as it is kept in the ordinary course of business; or
  - (iv) all evidence shall be provided in an organized manner that is labeled to correspond to the categories or list in the notice.

- 14.15. If the evidence to be collected is immovable because it is real property, a fixture, or such other property that is infeasible to move or impound during the investigation, the hearing officer, upon provision of appropriate notice, may enter the property for the purpose of inspecting the evidence, including copying, measuring, surveying, photographing, testing, or sampling the real property or fixture. The subject of the investigation, or the relevant Executive Branch official if the subject of the investigation is a Band entity, may be present during the inspection.
- 14.16. If the hearing of inquiry was convened for the purpose of investigating a commission or department of the Band and the relevant Executive Branch official does not comply with the notice in a timely manner, the hearing officer shall note the failure or omission in the findings of fact and conclusions of law in the report of the hearing officer. Such acts of noncompliance shall be considered prima facie evidence of nonfeasance in office and a violation of the oath of office.
- 14.17. Subpoenas may be issued by the hearing officer or the Band Assembly. Every subpoena must:
- (a) state that the issuer is the Band Assembly;
  - (b) state the title of the action;
  - (c) command each individual to whom it is delivered, at the time, date, and place specified in the subpoena, to attend and be interviewed or to produce and permit inspection and copying of writings, drawings, graphs, charts, photographs, records, data, documents, files, or any other evidence.
- 14.18. Any person served with a subpoena may provide to the Speaker and the hearing officer a timely written objection to the inspection or copying of any designated materials or property. If a written objection is properly made, the Speaker shall call a special session at the earliest possible date for the purposes of debating and voting on whether to uphold, amend, or quash the subpoena. The grounds for amending or quashing a subpoena shall be limited to cases in which the subpoena:
- (a) fails to allow reasonable time for compliance; or
  - (b) presents the subject of the subpoena with an undue burden.
- 14.19. Evidence produced pursuant to a subpoena must comply with the terms of Rule 14.14(c)(iii) or (iv).
- 14.20. Any person who fails to comply with a subpoena shall be held to be in contempt of the Band Assembly and the hearing officer, or the Band Assembly, may initiate an action in

the Court of Central Jurisdiction. Penalty for noncompliance shall be two hundred (\$200) dollars per day of noncompliance.

- 14.21. Subpoenas may be served on any person, provided that the person is at least eighteen (18) years of age. Delivery may be made by certified U.S. Mail or other means reasonably likely to ensure safe and timely delivery to the recipient. The hearing officer shall provide the Clerk with proof of service by filing a statement, which must contain the date of service, manner of service, the names of the persons served, and a certification by the individual who made the service.
- 14.22. The Band Assembly shall publish a written report not more than forty-five (45) days after the close of any hearing of inquiry outlining its findings of fact, conclusions of law, and orders of the Band Assembly. If the writ of inquiry was regarding the official conduct of any person or Executive Branch official, then the person or Executive Branch official shall be notified by certified mail of the decision five (5) days in advance of public release of the report.
- 14.23. Each member shall sign the decisions of the majority. The document must, if a member dissents, include a separate signature line for the dissenting member. Said signature line must be labeled with the word “dissent” or some other reasonable indication that the member dissents from the decision of the majority.
- 14.24. Members may draft minority opinions. If a member files a minority opinion with the Clerk, the minority opinion shall be included in the records.

#### **Historical Notes**

Source:

Minutes, 20th Band Assembly, 1st Sess. at p. 4 (January 12, 2022) (showing the introduction of the amendment to add Rule 14).

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (January 19, 2022) (showing adoption of Rule 14).

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

#### **Rule 15. Formal Public Hearings.**

- 15.1 After opening a formal public hearing, the Speaker shall recognize the sponsor of the bill for the purpose of giving an opening statement.
- 15.2 After the sponsor has given an opening statement, the Speaker shall recognize the remaining Members by order of district number for the purpose of giving an opening statement.
- 15.3 After all Members have had the opportunity to give an opening statement, the Speaker shall open the floor to the public.

- 15.4 Any non-member who has filled out the required public testimony form shall be recognized for a reasonable period of time, as determined by the Speaker, during which Members may interrupt to ask questions relating to the non-member's testimony.
- 15.5 All testimony and other statements must relate directly to the measure under consideration during the formal public hearing.
- 15.6 The Speaker shall keep all formal public hearings open for a minimum of fifteen (15) minutes, during which non-members shall be permitted to testify, subject to Rule 15.4. If no non-member has given testimony or no further non-members seek recognition to give testimony, the Speaker may close the formal public hearing after the expiration of the fifteen (15) minute period.
- 15.7 The Band Assembly may not proceed to any other item of business while any formal public hearing is open.

#### **Historical Notes**

Source:

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

#### **Rule 16. Compromise Hearings.**

- 16.1. After opening a compromise hearing, the Speaker shall recognize the Chief Executive and the Members in the following order for the purpose of giving an opening statement and any statements made thereafter:
  - (a) the Chief Executive;
  - (b) the sponsor; and
  - (c) the remaining members, by order of district number starting with the District I Representative.
- 16.2. Opening statements shall be limited to remarks about the reasons for the veto and other directly related matters.
- 16.3. Any statements made during a compromise hearing shall not exceed 5 minutes per Member, non-member, and the Chief Executive.
- 16.4. Once an Act has been vetoed by the Chief Executive, the sponsor cannot withdraw their sponsorship. If a compromise is reached, the original sponsor of the bill, shall have priority in sponsoring the subsequent bill.

- 16.5. No compromise hearing may be conducted in the absence of the Chief Executive. If the Chief Executive is absent, the Speaker shall close the compromise hearing until the Chief Executive is present.
- 16.6. The Speaker may order a recess for a reasonable time after opening statements, during which Members may consult with Legislative Counsel. Members may request that the Speaker declare a recess at any time after opening statements.
- 16.7. No Member may make a motion to adjourn during a compromise hearing, the subject of which is an appropriation bill.

#### **Historical Notes**

Source:

Minutes, 20th Band Assembly, 1st Sess. at p. 2 (July 6, 2022).

Minutes, 21st Band Assembly, 1st Sess. at p. 2 (April 30, 2024).

## Appendix 1. 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)