

1 **Band Assembly Bill 19-02-XX-21**

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3 A Bill enacting the Revisor of Statutes Code as Title 25. The Revisor of Statutes Code will grant  
4 the Revisor the authority to establish an independent Revisor’s Office to ensure the annual  
5 compilation, updating, and publication of Band laws and official acts; to provide confidential  
6 drafting services of proposed legislation and policy revisions to District Representatives; and to  
7 establish a Tribal Register for the publication of Band statutes and policies, Executive Orders,  
8 Secretarial Orders, Commissioner’s Orders, Legislative Orders, Chief Justice Orders, Solicitor’s  
9 Opinions, and other official notices.

10  
11 By enacting the Revisor of Statutes Code, 4 MLBS § 18(e), which empowers the Solicitor  
12 General to codify ordinances into Band statutes, must be amended. 3 MLBS § 16(a) states, “[t]he  
13 Band Assembly shall conduct formal public hearings on any bill which alters, amends or repeals  
14 Titles 1, 3, 4 and 5, Chapter 1 of Title 2 and Subchapters 1 to 3 of Chapter 3 of Title 24 of the  
15 Mille Lacs Band Statutes Annotated.” The Band Assembly conducted a formal public hearing on  
16 November 12, 2020, during a Band Assembly meeting. Because of the circumstances of COVID-  
17 19, Band Assembly did not find it appropriate to conduct in-person hearings in all appropriate  
18 Band districts and thus held the formal public hearing via Zoom. To ensure all districts felt  
19 heard, Band Assembly sent out a letter giving notice to the formal public hearing, encouraging  
20 all Band members to participate in the hearing.

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22 The District III Representative introduced the following Bill on the **2nd day of December, 2020.**

23  
24 **Preamble**

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26 Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of  
27 enacting the Revisor of Statutes Code, which will require the amendment of the authority given  
28 to the Solicitor General to certify ordinances and codify them into statutes in Title 4. The Revisor  
29 of Statutes Code will grant the Revisor the authority to establish an independent Revisor’s Office  
30 to ensure the annual compilation, updating, and publication of Band laws and official acts; to  
31 provide confidential drafting services of proposed legislation and policy revisions to District  
32 Representatives; and to establish a Tribal Register for the publication of Band statutes and  
33 policies, Executive Orders, Secretarial Orders, Commissioner’s Orders, Legislative Orders, Chief  
34 Justice Orders, Solicitor’s Opinions, and other official notices.

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36 **Section 1. Repealing part of 4 MLBS § 18(e).**

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38 **§ 18. Duties of Solicitor General.**

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40 The Solicitor General shall have the following responsibilities, obligations and authority on  
41 behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians:

- 42  
43 (e) To aid in drafting public bills, resolutions, orders, policies or amendments thereto on  
44 the request of the Chief Executive, Speaker of the Assembly or the Chief Justice. ~~To~~  
45 ~~certify to the ordinances of Band government and codify said ordinances into Band~~  
46 ~~Statutes.~~

47 Section 2. Enacting the Revisor of Statutes Code as Title 25.  
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## 49 TITLE 25 - REVISOR OF STATUTES

50  
51  
52 Section

- 53 1. Purpose.
- 54 2. Definitions.
- 55 3. Selection of Revisor.
- 56 4. Revisor's Powers.
- 57 5. Drafting Duties of Revisor's Office.
- 58 6. Other Office Duties During Legislative Session.
- 59 7. Prohibitions and Limitations.
- 60 8. Official Acts of the Non-Removable Mille Lacs Band of Ojibwe.
- 61 9. Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Contents.
- 62 10. Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Supplements.
- 63 11. Publication Powers.
- 64 12. Certificate of Correctness.
- 65 13. Sale and Distribution of Statutes and Laws.
- 66 14. Legal Status of Statutes.
- 67 15. Tribal Register.

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70 § 1. Purpose.

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72 The purposes of this statute are to:

- 73  
74 (a) establish an independent Revisor's Office to ensure the annual compilation, updating,  
75 and publication of Band laws and official acts;
- 76  
77 (b) provide confidential drafting services of proposed legislation and policy revisions to  
78 District Representatives; and
- 79  
80 (c) establish a Tribal Register for the publication of Band statutes and policies, Executive  
81 Orders, Secretarial Orders, Commissioner's Orders, Legislative Orders, Chief Justice  
82 Orders, and other official notices.

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85 § 2. Definitions.

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87 (a) "Agency" or "Department" means any division or section of the executive or  
88 legislative branches established by statute to carry out the functions of Band  
89 government, to include the departments of Administration, Athletic Regulation,

90 Community Development, Education, Health and Human Services, Natural  
91 Resources, Gaming and Regulatory Authority, Mille Lacs Corporate Ventures, and  
92 the Office of Management and Budget.

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- 94 (b) “Band” means the Non-Removable Mille Lacs Band of Ojibwe.
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- 96 (c) “Band Assembly” means the Band’s legislative branch, established pursuant to  
97 3 MLBS § 1, and comprised of the duly elected Speaker of the Assembly and three  
98 District Representatives.
- 99
- 100 (d) “Chief Executive” means the elected official who leads the Band’s executive branch  
101 pursuant to 4 MLBS § 6.
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- 103 (e) “Court” means the Band’s Court of Central Jurisdiction established pursuant to  
104 5 MLBS § 1.
- 105
- 106 (f) “Legislative Session” means the period of time, occurring twice per calendar year, in  
107 which the Band Assembly is convened for the purpose of lawmaking.
- 108
- 109 (g) “MLBS” means Mille Lacs Band Statutes, which is the preferred legal citation for  
110 the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe.
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- 112 (h) “Resolution,” as used in this statute, means either a resolution of the Band Assembly  
113 or a resolution of the Joint Session of the Band Assembly.
- 114
- 115 (i) “Revisor” means the selected official who leads the Band’s Revisor’s Office in  
116 accordance with this statute; an official charged with the responsibility for making  
117 new statutes technically consistent with the existing body of law
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- 119 (j) “Speaker of the Assembly” means the elected official who leads the Band’s  
120 legislative branch pursuant to 3 MLBS § 6.

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123 **§ 3. Selection of Revisor.**

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125 The Band Assembly shall select a qualified individual with a federal Indian law background,  
126 when feasible, to the position of Revisor of Statutes. The Revisor must be licensed to practice  
127 law before the Court of Central Jurisdiction and shall have his or her salary fixed by the Band  
128 Assembly. The Revisor shall be considered a permanent, full-time employee not serving solely at  
129 the pleasure of any elected official. The Revisor shall be subject to the Band’s Personnel Policy  
130 and Procedures.

133 **§ 4. Revisor’s Powers.**

- 134
- 135 (a) **Regular staff; hiring and salaries.** The Revisor shall employ and may fix the
- 136 salaries of drafters and technical, research, and clerical assistants necessary to do the
- 137 work of the Revisor’s Office.
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- 139 (b) **Additional staff; contractors.** When full-time employees are not available to do the
- 140 work of the office, the Revisor may contract for drafting, technical, research, or
- 141 clerical services.
- 142
- 143 (c) **Contracting.** The Revisor may enter into contracts to provide necessary services and
- 144 supplies to the office.
- 145
- 146 (d) **Limitations of powers.** The exercise of the powers set forth in subsections (a) to (c)
- 147 is subject to the control of the Band Assembly.
- 148
- 149 (e) **Contract over \$5,000.** A contract for professional or technical services that is valued
- 150 at more than \$5,000 may be made only with Band Assembly approval.
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153 **§ 5. Drafting Duties of the Revisor’s Office.**

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- 155 (a) **Limitation.** As far as personnel and available appropriations permit, the Revisor’s
- 156 Office shall perform the drafting duties described in subsections (b) to (d).
- 157
- 158 (b) **Drafting responsibilities.** On request, the Revisor’s Office shall draft bills,
- 159 resolutions, and amendments solely for District Representatives of the Band
- 160 Assembly. The Revisor’s work product shall be prioritized in the order received
- 161 during that legislative session of Band Assembly, or as otherwise directed by a
- 162 majority vote of the Band Assembly.
- 163
- 164 (c) **Requests for drafting services.** The District Representatives may submit to the
- 165 Revisor’s Office requests for drafting services. A request must state briefly the policy
- 166 and purpose of the document to be drafted. Documents must be drafted to conform to
- 167 the instructions given in the request.
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- 169 (d) **Drafting manual.** The Revisor’s Office shall prepare and issue a drafting manual
- 170 containing styles and forms for drafting bills, resolutions, and amendments.
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177 **§ 6. Other Office Duties During Legislative Session.**  
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- 179 (a) **Advice concerning effect of bills.** The Revisor’s Office shall give members of the  
180 Band Assembly advice concerning the legal effect of bills or proposed bills, but only  
181 at the request of the members.  
182
- 183 (b) **Report to Band Assembly.** As needed or at least once every two legislative sessions,  
184 the Revisor’s Office shall report to the Band Assembly any statutory changes  
185 recommended by any branch of government, including any statutory deficiencies or  
186 contradictions noted in any decision or opinion of the Court of Central Jurisdiction.  
187 The report must include any comment necessary to clearly outline the legislative  
188 problem reported.  
189
- 190 (c) **Technical bills.** The Revisor’s Office shall prepare and submit to the Band Assembly  
191 bills clarifying and correcting the statutes and executive branch policies that are  
192 required by statute to be ratified by the Band Assembly.  
193
- 194 (d) **Preparing and presenting the bills.** The Revisor’s Office shall assist in preparing  
195 any bill requested by a District Representative. In preparing a bill, the Revisor may  
196 correct misspelled words and other minor clerical errors. Bills are to remain under the  
197 supervision of the Parliamentarian.  
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- 199 (e) **Other Services.** The Revisor’s Office shall perform other services requested by the  
200 District Representatives, provided that such requests adhere to the purposes of this  
201 statute.  
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204 **§ 7. Prohibitions and Limitations.**  
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206 The Revisor, employees of the Revisor’s Office, and persons assisting the office as part-time  
207 employees or independent contractors are subject to the following prohibitions and limitations:  
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- 209 (a) They may not reveal to any person not employed by the legislative branch the content  
210 or nature of a request for drafting services. The content of the request, as well as  
211 documents and communications relating to the drafting service supplied, is not public  
212 and is not subject to subpoena, search warrant, deposition, writ of mandamus,  
213 interrogatory, or other disclosure.  
214
- 215 (b) They may not overtly urge or oppose the substantive provisions of legislation, except  
216 in accordance with § 6(a) of this Title.  
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- 218 (c) They may not use office time to conduct legal business other than the business of the  
219 Revisor’s Office.

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- (d) They may not engage in outside activities that violate the ethical consideration concerning independent professional judgment and interests of multiple clients contained in the Minnesota Rules of Professional Conduct.
- (e) They may not engage in activities of a partisan nature.

**§ 8. Official Acts of the Non-Removable Mille Lacs Band of Ojibwe.**

No later than January 15 of each year, the Revisor shall publish, for the previous two legislative sessions, in a publication called “Official Acts of the Non-Removable Mille Lacs Band of Ojibwe”:

- (a) Executive Orders;
- (b) Secretarial Orders;
- (c) Commissioner’s Orders;
- (d) Legislative Orders;
- (e) Chief Justice Orders;
- (f) Solicitor’s Opinions;
- (g) ordinances;
- (h) resolutions; and
- (i) any new or revised department policy.

**§ 9. Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Contents.**

- (a) Permanent required contents. The Revisor’s Office shall publish editions of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe. The Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe must contain the applicable constitution, all general and permanent statutes in force, rules of the Court, and any other information the Revisor considers desirable and practicable.

- 261 (b) **Headnotes.** The headnotes of the sections of any edition of the Laws and Rules of the  
262 Non-Removable Mille Lacs Band of Ojibwe printed in boldface type are mere  
263 catchwords to indicate the contents of the section and are not any part of the statute.  
264
- 265 (c) **New laws incorporated.** No later than May 1 of each year, the Revisor shall  
266 incorporate into the text of the Laws and Rules of the Non-Removable Mille Lacs  
267 Band of Ojibwe the permanent general laws enacted, with amendments made to the  
268 statutes, during the previous two legislative sessions. The Revisor shall also omit any  
269 sections expressly repealed. The Revisor shall assign appropriate chapter and section  
270 numbers to these laws and shall arrange them in proper order. After each section the  
271 Revisor shall place a source note indicating the chapter and section of the ordinances  
272 or acts from which the section was derived, in addition to explanatory historical and  
273 statutory notes.  
274
- 275 (d) **Form and style changes.** The form and style of the Laws and Rules of the Non-  
276 Removable Mille Lacs Band of Ojibwe may be changed as necessary to improve its  
277 quality and to permit the use of electronic data processing equipment, computer  
278 compatible media, and other related equipment in connection with its publication.  
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281 **§ 10. Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe; Supplements.**  
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283 If the Revisor’s Office does not publish an edition of the Laws and Rules of the Non-Removable  
284 Mille Lacs Band of Ojibwe in a given year, it may publish a supplement to the Laws and Rules  
285 of the Non-Removable Mille Lacs Band of Ojibwe. The supplement must be identified by the  
286 year of publication and to the extent possible must otherwise comply with § 9 of this Title. The  
287 Revisor’s Office may not use supplements for more than eight consecutive legislative sessions  
288 without also publishing an edition of the Laws and Rules of the Non-Removable Mille Lacs  
289 Band of Ojibwe in accordance with § 9 of this Title.  
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292 **§ 11. Publication Powers.**  
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- 294 (a) **Editorial powers for statutes.** The Revisor’s Office, in preparing a printer’s copy for  
295 editions of statutes, may not alter the sense, meaning, or effect of any legislative act,  
296 but may:  
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- 298 (1) renumber section or subsections and parts of sections or subsections;
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  - 300 (2) change the wording of headnotes;
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  - 302 (3) rearrange sections or subsections;
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- 304 (4) combine sections or subsections into other sections or other subsections, or  
305 both;  
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307 (5) divide sections or subsections into other sections or subsections so as to give  
308 to distinct subject matters a section or subsection number;  
309  
310 (6) substitute the proper section, chapter, or subsection numbers for the terms  
311 “this act,” “the preceding section,” and the like;  
312  
313 (7) substitute figures for written words and vice versa;  
314  
315 (8) substitute the date on which the law becomes effective for the words “the  
316 effective date of this act,” and the like;  
317  
318 (9) change capitalization for the purpose of uniformity;  
319  
320 (10) correct manifest clerical, typographical, grammatical, or punctuation errors;  
321  
322 (11) correct words misspelled in bills;  
323  
324 (12) change reference numbers to agree with renumbered chapters, sections, or  
325 subsections;  
326  
327 (13) delete the phrases “Laws and Rules of the Non-Removable Mille Lacs Band  
328 of Ojibwe” and other phrases identifying other editions of any supplements to  
329 the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe if the  
330 phrases are used in a reference to a statutory section;  
331  
332 (14) replace gender-specific words with gender-neutral words and, if necessary,  
333 recast the sentences containing gender-specific words; and  
334  
335 (15) make similar editorial changes to ensure the accuracy and utility of the  
336 publication.  
337

338 (b) **Department Policies.** The Revisor’s Office may:

- 339  
340 (1) integrate department policies into the Laws and Rules of the Non-Removable  
341 Mille Lacs Band of Ojibwe;  
342  
343 (2) publish the policies as an adjunct to the Laws and Rules of the Non-  
344 Removable Mille Lacs Band of Ojibwe; and  
345  
346 (3) coordinate publication of the policies with the Laws and Rules of the Non-  
347 Removable Mille Lacs Band of Ojibwe.  
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349 (c) **Negotiated contracts.** The Revisor’s Office may negotiate for all or part of the  
350 editing and printing of the Laws and Rules of the Non-Removable Mille Lacs Band of  
351 Ojibwe, supplements to the Laws and Rules of the Non-Removable Mille Lacs Band  
352 of Ojibwe, and Official Acts of the Non-Removable Mille Lacs Band of Ojibwe and  
353 contract with a law book publisher for these services. All negotiated contracts require  
354 Band Assembly approval.

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357 **§ 12. Certificate of Correctness.**  
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359 In preparing an edition of the Laws and Rules of the Non-Removable Mille Lacs Band of  
360 Ojibwe, a supplement to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe,  
361 or an edition of Official Acts of the Non-Removable Mille Lacs Band of Ojibwe, the Revisor’s  
362 Office shall compare each section in the edition with the original section of the statutes or with  
363 the original section in the act from which the section was derived, together with all amendments  
364 of the original section. In one copy of the edition, the Revisor shall attach a certificate certifying  
365 that this comparison has been made and that all sections appear to be correctly printed. The copy  
366 containing the Revisor’s certificate must be filed locally within the Revisor’s Office as a public  
367 record. All other copies of the edition must contain a printed copy of the certificate.  
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370 **§ 13. Sale and Distribution of Statutes and Laws.**  
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372 (a) **Number of copies printed.** The Revisor shall determine how many copies of the  
373 Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplements to  
374 the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and Official  
375 Acts of the Non-Removable Mille Lacs Band of Ojibwe are to be printed. Subject to  
376 the requirements of subsection (b), the Revisor shall determine how the copies are to  
377 be distributed.  
378

379 (b) **Free distribution.** The Revisor shall distribute without charge copies of each edition  
380 of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe,  
381 supplements to the Laws and Rules of the Non-Removable Mille Lacs Band of  
382 Ojibwe, and Official Acts of the Non-Removable Mille Lacs Band of Ojibwe to the  
383 persons or bodies listed in this subsection. Before distributing the copies, the Revisor  
384 shall inform these persons or bodies of the cost of the publication and the availability  
385 of statutes and official acts on the Internet, and shall ask whether their work requires  
386 the full number of copies authorized by this subsection. Unless a smaller number is  
387 needed, the Revisor shall distribute:  
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389 (1) one copy to the Revisor’s Office in accordance with § 12 of this Title;  
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391 (2) one copy to each elected official of the Band, to be personally owned by each  
392 official;

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- (3) three copies to the Legislative Branch;
  - (4) three copies to the Office of the Chief Executive;
  - (5) three copies to the Court;
  - (6) three copies to each Band department;
  - (7) three copies to the Office of the Solicitor General;
  - (8) three copies to Mille Lacs Band Member Legal Aid, or any successor organization;
  - (9) one copy to each judge of the district court and court of appeals;
  - (10) one copy each to other Band boards not specifically named in this subsection;
  - (11) one copy to the Parliamentarian;
  - (12) one copy to any educational institution under the control and jurisdiction of the Band;
  - (13) two copies to the Revisor from which the Revisor shall send the appropriate number to the Library of Congress and Minnesota State Law Library for copyright and depository purposes;
  - (14) two copies each to Mitchell Hamline School of Law, the Law School of the University of Minnesota, and University of St. Thomas School of Law;
  - (15) two copies each to the Minnesota Historical Society and Minnesota Secretary of State;
  - (16) one copy each to Bois Forte Band of Chippewa, Fond Du Lac Reservation, Grand Portage Band of Chippewa Indians, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Prairie Island Indian Community, Red lake Band of Chippewa Indians, Shakopee Mdewakanton Sioux Community, Upper Sioux Community, and White Earth Reservation; and
  - (17) one copy each to the public library of the largest municipality of Aitkin County, Mille Lacs County, and Pine County.
- (c) **Marking of Band copies.** Copies of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe distributed to public officers, except elected officials of the Band, must be marked with the words “Band Copy” and kept for the use of the office.

439 (d) Sale. Any foreign entity may purchase from the Revisor a copy of the Laws and  
440 Rules of the Non-Removable Mille Lacs Band of Ojibwe, supplement to the Laws  
441 and Rules of the Non-Removable Mille Lacs Band of Ojibwe, or an edition of  
442 Official Acts of the Non-Removable Mille Lacs Band of Ojibwe. The Revisor shall  
443 fix a reasonable sale price for each publication. Revenue from the sale of any  
444 publication must be deposited in the general fund. With consent from the Band  
445 Assembly, the Revisor may offer any publications for sale to enrolled Band members  
446 at cost. The Revisor may also establish a public library containing Band laws and  
447 official acts.  
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450 **§ 14. Legal Status of Statutes.**

451  
452 Any volume of the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe,  
453 supplement to the Laws and Rules of the Non-Removable Mille Lacs Band of Ojibwe, and  
454 Official Acts of the Non-Removable Mille Lacs Band of Ojibwe certified by the Revisor is prima  
455 facie evidence of the statutes contained in it in all courts and proceedings.  
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458 **§ 15. Tribal Register.**

- 459  
460 (a) Contents. The Revisor shall publish an online Tribal Register containing:  
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462 (1) Band statutes;  
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464 (2) Executive Orders;  
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466 (3) Secretarial Orders;  
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468 (4) Commissioner's Orders;  
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470 (5) Legislative Orders;  
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472 (6) Chief Justice Orders;  
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474 (7) Solicitor's Opinions;  
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476 (8) Court rules;  
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478 (9) department policies;  
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480 (10) ordinances;  
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482 (11) resolutions; and

- 483 (12) notice of any comment period pertaining to statutory revisions.  
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- 485 (b) **Publication.** The Revisor shall update the Tribal Register whenever necessary, except  
486 that no material properly submitted for publication shall remain unpublished for more  
487 than ten (10) business days.  
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- 489 (c) **Submission of items for publication.** Any agency which desires to publish a  
490 Commissioner’s Order, policy, or other item shall submit a copy of the entire  
491 document, including dates when adopted, to the Revisor in addition to any other  
492 copies which may be required to be filed with the Revisor by other law.  
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- 494 (d) **Distribution.** When an agency properly submits a Commissioner’s Order, policy, or  
495 other item to the Revisor, the Revisor must then be accountable for the publication of  
496 the same in the Tribal Register.  
497
- 498 (e) **Cost.** The Tribal Register shall be made available to enrolled Band members and  
499 Band employees free of charge.

Ordinance XX-21  
(Band Assembly Bill 19-02-XX-21)

Introduced to the Band Assembly on this  
Second day of December in the year  
Two thousand twenty.

Passed by the Band Assembly on this  
Second day of December in the year  
Two thousand twenty.

\_\_\_\_\_  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: \_\_\_\_\_

\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**