

BAND ASSEMBLY SEEKS INPUT ON PROPOSED AMENDMENTS TO STATUTES

The Mille Lacs Band Assembly is considering several amendments to Title 1 and Title 5 of the Mille Lacs Band Statutes. Pursuant to 3 MLBS § 16 (a), “the Band Assembly shall conduct formal public hearings on any bill which alters, amends, or repeals Titles 1, 3, 4, and 5, Chapter 1 of Title 2 and Subchapters I to III of Chapter 3 of Title 24 of the Mille Lacs Band Statutes Annotated. The Band Assembly may conduct public hearings on any or all other bills at their discretion. Public hearings shall be held in all appropriate districts of the Mille Lacs Reservation prior to the time that the Band Assembly seeks to formally act upon said bill. Additionally, each bill shall be posted in a conspicuous location for ten calendar days after said bill has been introduced at a public hearing.”

Band Assembly is including this explanation of the proposed changes and survey of Band members in order to receive as much input as possible before amending the statutes.

In the proposed amendments below, new or altered language is in red.

Miigwech for your time and attention to this matter. This process could not take place without the participation of dedicated Band members. Please check off your selection and send this page, along with any written comments you may choose to include, to Chief Legislative Counsel Ms. Christine Jordan, 43408 Oodena Drive, Onamia, MN 56359, or email your responses and/or comments to christine.jordan@millelacsband.com.

If you have questions, please call Ms. Jordan at 320-532-7421.

TITLE 1 – CIVIL RIGHTS CODE

§ 2. Searches and seizures

All persons within the territories under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians have the right to be secure in their persons, houses, papers and effects against unreasonable search and seizures. Any warrant shall be issued by a Justice of the Court of Central Jurisdiction and shall be founded upon probable cause supported by oath or affirmation, shall describe with particularity the place to be searched and the person or thing to be seized.

Proposed Amendment:

All persons within the territories under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians have the right to be secure in their persons, houses, papers and effects against unreasonable search and seizures. Any warrant shall be issued by a **judge of the District Court** of the Court of Central Jurisdiction and shall be founded upon probable cause supported by oath or affirmation, shall describe with particularity the place to be searched and the person or thing to be seized.

The purpose of this proposed amendment is to clarify that the District Court trial judges, not the justices of the Court of Appeals, are responsible for issuing warrants.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

TITLE 5 – JUDICIAL BRANCH

§ 4. Composition of District Court

The District Court shall be composed of one District Court Judge.

Proposed Amendment:

The District Court shall be composed of one District Court Judge **and such other Associate District Court Judges as necessary.**

This proposed amendment’s purpose is to allow for the appointment of one or more Associate Judges to assist in hearing and deciding the great number of pending District Court cases. Appointing an Associate Judge will also free up time for the District Court Judge to devote to the development and operation of the proposed future Healing to Wellness Court.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

§ 7. District Court Judge; appointment and term of office

(a) The District Court Judge shall be nominated by the Chief Executive who shall submit the nomination to Band Assembly. Band Assembly shall upon receipt of the nomination confirm or reject the nomination within 30 days.

(b) The District Court Judge shall serve a six-year term expiring August 15, 1996 and on this date every six years hence. The District Court Judge may be disciplined or removed for cause pursuant to 3 MLBSA § 25.

Proposed Amendments:

§ 7. District Court Judge **and Associate Judges**; Appointment and Terms of Office

(a) The District Court Judge **and the Associate Judges** shall be nominated by the Chief Executive who shall submit the nominations to Band Assembly. Band Assembly shall upon receipt of the nominations confirm or reject the nominations within 30 days.

This amendment requires the Associate Judges, in the same manner as the District Court Judge, to be nominated by the Chief Executive and for the nominations to be confirmed or rejected by Band Assembly.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

(b) The District Court Judge shall serve a six-year term expiring August 15, 1996 and on this date every six years hence. The District Court Judge may be disciplined or removed for cause pursuant to 3 MLBSA § 25.

This amendment omits the language regarding disciplining or removing the District Court Judge and is incorporated in the new added amendment of 5 MLBS § 7(d).

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

(c) The Associate Judges shall each serve a four-year term expiring August 30, 2024 and on this date every four years hence.

This amendment sets the terms of the Associate Judges at four years. The Associate Judge(s) terms will be staggered with the District Court Judge’s term so that there is always an authorized active judge to preside in the Court.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

(d) The District Court Judge or Associate Judges may be disciplined or removed for cause pursuant to 3 MLBSA § 25.

The amendment makes it clear that the Associate Judges are subject to the same discipline and removal process as the District Court Judge.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

§ 10. Qualifications of District Judge

(a) Shall have graduated from an accredited law school, and be a member of a state bar association, and

(b) Shall have never been convicted of a felony or gross misdemeanor and if convicted of such while a judge that person shall be subject to removal pursuant to 3 MLBSA § 25.

Proposed Amendment:

§10. Qualifications of **the** District Court Judge **and Associate Judges**

(a) Shall have graduated from an accredited law school and be a member **in good standing** of a state bar.

(b) Shall have never been convicted of a felony or gross misdemeanor and if convicted for such while a judge that person shall be subject to removal pursuant to 3 MLBSA § 25.

This amendment’s intention is to require the Associate Judges to have the same qualifications as the District Court Judge. It also makes clear that the individual must be in good standing (not under any sort of discipline or suspension) in the bar. The amendment clarifies that the judge has been admitted to practice by a state — not that he or she be a member of a “bar association,” which is a dues-paying association/club of attorneys.

- I agree with the proposed amendment.
- I disagree with the proposed amendment.

Please share additional comments or suggestions below:

Send completed surveys to:

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Questions? Call 320-532-7421