

Act 48-23

An Act of supplemental appropriation and authorization of Long-Term Savings Investment Income Funds for the Cannabis Business Project Funding Request for the Fiscal Year Ending September 30, 2023.

The Commissioner of Corporate Affairs, on behalf of Mille Lacs Corporate Ventures (“MLCV”), formally requested appropriation from Long Term Savings Investment Income Funds for the Cannabis Business Project.

The District II Representative introduced the following Bill on the 26th day of July, 2023.

BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:

Section 1. Governmental Operations. The Band Assembly hereby appropriates and authorizes funds for the Cannabis Business Project – Funding Request for the Fiscal Year Ending September 30, 2023, for the purpose of design, construction, equipment, and start-up costs related to the Cannabis Business Project.

Section 1.01. Appropriation and authorizations of expenditures. The Band Assembly hereby appropriates and authorizes the use of Long-Term Savings Investment Income Funds for the following:

	<u>Supplemental</u>	<u>Cross-Reference</u>
Cannabis Business Project		
Of Long-Term Savings Investment Income Funds	\$35,000,000	Letter from Commissioner of Corporate Affairs dated July 18, 2023

Section 1.02. Administer. Disbursement of funds will occur on a draw basis as requested by MLCV and transferred within 5 business days of request.

Section 1.03. Funds. All funds appropriated are maximum fund amounts and shall not be exceeded.

Act 48-23

(Band Assembly Bill 20-04-48-23)


Introduced to the Band Assembly on this
Twenty-sixth day of July in the year
Two thousand twenty-three.

Passed by the Band Assembly on this
Twenty-sixth day of July in the year
Two thousand twenty-three.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: August 2, 2023


Melanie Benjamin, Chief Executive

VETO

OFFICIAL SEAL OF THE BAND

August 2, 2023

Band Assembly
Non-Removable Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Re: Veto of Bill 20-04-48-23

Dear Honorable Members of the Band Assembly:

The People have spoken overwhelmingly in support of this historic business venture which the Band will engage in, and I support the will of the people to move forward with a cannabis project. However, for minor and technical reasons described below, I must veto Bill 20-04-48-23 and request that a simply clarifying provision be added to the appropriation language.

I support the appropriation and authorization of the funding amount specified in Bill 20-04-48-23 to MLCV for the “design, equipment, construction, and start-up costs” of a cannabis business project pursuant to Section 1 of the appropriation bill. However, Commissioner Nayquonabe’s July 17, 2023 letter requesting approval of funds for the Cannabis Business Plan file that is cross-referenced in the appropriation bill and attached to the bill identifies activities that go beyond design, equipment, construction, and start-up costs, and which will require additional and separate authorization when we adopt a cannabis code.

While cannabis is now legal under the laws of the State of Minnesota, cannabis remains illegal under federal law. The U.S. Bureau of Indian Affairs is the federal agency charged with overseeing the management and protection of tribal trust lands, and the U.S. Attorney has jurisdiction over enforcing federal law on federal lands. The U.S. Department of Justice has advised me that there are unresolved legal questions throughout Indian Country as to whether the BIA will permit tribes to engage in an illegal activity under federal law on tribal trust lands. The Band unquestionably has civil regulatory jurisdiction on trust land, but with existing federal prohibitions we are entering into a gray area of federal law. Adoption of a future cannabis code will cloak the Band with additional protections. In the meantime, it is very important that we leave no room for misinterpretation as to what activities we are authorizing these funds to be expended for at the time the appropriation bill is signed into law.

Out of an abundance of caution, I request your support in clarifying that use of funds from the appropriation is limited to the purposes stated in Section 1 of the bill and does not incorporate proposed future activities in the attached MLCV file that will be separately authorized when we exercise our civil regulatory jurisdiction and adopt a cannabis code.

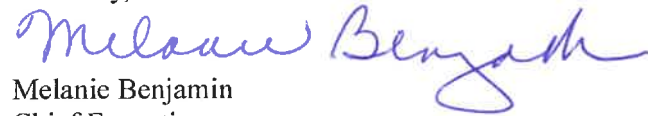
I am requesting the Band Assembly add this brief provision to the bill:

Section 1.04 Limitations. Authorization of expenditure of funds appropriated are limited to the express purposes authorized in Section 1 until such time as the Band adopts duly enacted laws that authorize and regulate the conduct of business activities beyond the scope of Section 1.

Band Assembly
August 2, 2023
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I look forward to the expedited resolution of this issue at your earliest convenience.

Sincerely,



Melanie Benjamin
Chief Executive

Enc: Vetoed Bill 20-04-48-23