

Act 31-23

An Act amending Chapter 2 of Title 22 to establish a burial assistance program that is to be administered by the Commissioner of Finance.

The District I Representative introduced the following Bill on the 26th day of April, 2023.

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

Section 1. Amending Chapter 2 (Commissioner of Finance) of Title 22 (Taxation) to add a section to enact a burial assistance program.

§ 115. Burial Assistance Program.

- (a) **Purpose.** The purpose of the burial assistance program is to specifically assist with payment of burial and burial-related expenses for its Band members and eligible immediate family members of Band members. It is not the intent of this program that it be treated as an insurance policy for the purpose of providing for a deceased Band member's beneficiaries or beneficiaries of eligible immediate family members of Band members.
- (b) **Eligibility.** Eligibility shall be for enrolled members of the Mille Band of Ojibwe, except as otherwise provided in this subsection.
 - (1) Where the deceased is not a Band member, but is eligible for enrollment according to the Minnesota Chippewa Tribe Enrollment Ordinance, payment to assist with funeral and burial expenses shall only be available upon confirmation by the Band's Enrollments Office of the deceased person's eligibility.
 - (2) Where the deceased is an immediate family member who is not eligible for enrollment, the deceased immediate family member is eligible for payments under subsections (d) and (h) of this section.
 - (3) "Immediate family" for purposes of this section is defined as a spouse or domestic partner, sibling, parent, or child of an enrolled Band member.
- (c) **Burial Assistance Program Designation Form.** A Band member may designate a family member or closest living relative to take responsibility for all arrangements of her or his burial by submitting a completed "Burial Assistance Program Designation Form. If a Band member does not designate a specific individual, then the Band

member's spouse, children, parents, or siblings shall choose a family member amongst themselves to complete the burial arrangements and make such decision known to the Office of Management and Budget prior to contacting the funeral home.

- (d) **Family Stipend.** After the Office of Management and Budget and the Enrollments Office have been notified of the Band member's death or the eligible immediate family member's death, the Office of Management and Budget shall prepare a family stipend in the amount of \$500.00 payable to the deceased Band member's or eligible immediate family member's spouse or family designee as provided in subsection (c) of this section. The purpose of this stipend is to assist the family with expenses such as food, travel, lodging, or miscellaneous expenses related to the funeral. Such stipend shall be paid by check as soon as reasonably possible, according to the Office of Management and Budget procedure, to the deceased Band member's or eligible immediate family member's spouse or family designee.
- (e) **Payment to Funeral Home.** The maximum combined payment for the cost of burial, grave-digging, other related costs, and the family stipend covered by this program shall be \$10,200.00 for any Band member's burial and funeral expense. If the family accepts a stipend under subsection (d) of this section, then the maximum amount that can be remitted to the funeral home for costs under this section shall be \$10,200.00 less the amount accepted under subsection (d) of this section. The amount paid under this section shall be remitted directly to the funeral home within 30 days and only after the Office of Management and Budget's receipt of an itemized billing statement and certified death certificate.
- (f) **Private Burial Insurance Policy.** If a Band member owns a private burial insurance policy for payment of her or his personal burial expense, the Band shall authorize a maximum amount of \$2,000.00 to a designated vendor to pay for a headstone or other funeral-related expenses.
- (g) **Headstones.** In addition to the maximum \$10,200.00 payment to the funeral home under subsection (e) of this section, the Office of Management and Budget shall remit a maximum amount of \$500.00 per individual burial to a designated vendor to pay for, or contribute to the payment of, a headstone.
- (h) **Spiritual Advisor.** The Office of Management and Budget shall remit a maximum amount of \$400.00 to the Spiritual Advisor performing the burial service. Any payment to the Spiritual Advisor shall be in addition to the maximum payment authorized by this section.
- (i) **Transportation from Outside Minnesota.** In the event that a Band member passes away outside the state of Minnesota, the Office of Management and Budget may authorize and pay a maximum amount of \$3,000.00 to assist the deceased Band member's family with transportation of the remains back to Minnesota. This amount

may only be paid to the funeral home and is in addition to the \$10,200.00 payment under subsection (e) of this section.

- (j) **Unspent Funds.** If, for any reason, a deceased Band member's funeral expenses do not exceed \$10,200.00 under subsection (e) of this section, the remaining amount shall remain in the Band's general fund and shall not be payable to any individual beneficiary.


EFFECTIVE DATE. This bill shall take effect immediately and be applied retroactively to October 1, 2022, upon signature by the Chief Executive, or lack of a veto, as provided in 3 MLBS § 17.

**Act 31-23
(Band Assembly Bill 20-03-31-23)**

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

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

VETO


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: 5-5-2023


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

May 5, 2023

VIA DELIVERY AND EMAIL

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

Re: Veto of Bill 20-03-31-23

Dear Honorable Members of the Band Assembly:

By the powers vested in me by the Mille Lacs Band Statutes, I veto Bill 20-03-31-23 because it exceeds the Band Assembly's legislative authority under Title 3 by establishing a government program within the Office of Management and Budget, a legislative entity.

Title 3 vests the Band Assembly with the Band's legislative power. Legislative power is the power to make law, which includes the power to make laws appropriating government funds. However, legislative power does not include the power to administer government programs. The power to administer government programs is an executive power.

The Band has provided financial assistance to families for years to help mitigate increasing funeral costs, and I will continue to support providing families with that financial assistance. However, there is a proper way to accomplish this objective under our law. Please amend this bill to establish the burial assistance program within an executive branch department and to appropriate funds to that program.

I look forward to discussing this issue at the compromise hearing.

Miigwech,

Melanie Benjamin, Chief Executive

Enc: Vetoed Bill 20-03-31-23

CC: Darcie Big Bear, Parliamentarian
Sam Moose, Commissioner of Administration
Kelly Applegate, Commissioner of Natural Resources
Mel Towle, Commissioner of Finance

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