



*Mille Lacs Band of Ojibwe Indians*

*Executive Branch of Tribal Government  
Office of the Chief Executive*

August 1, 2024

*Hand-Delivered*

Sheldon Boyd, Speaker of the Assembly  
Carolyn Beaulieu, District I Representative  
Wendy Merrill, District II Representative  
Harry Davis, District III Representative

Re: Veto of Band Assembly Act 38-24

Dear Honorable Members of the Band Assembly:

I am in receipt of Band Assembly Act 38-24, An Act of Appropriation for Governmental Operations of the Executive, Legislative, and Judicial Branches; Circle of Health; Gaming Regulatory Authority; Department of Athletic Regulation; Supplemental Income Program for Elders; Tribal Employment Rights Office; and Band Member Legal Services for the Mille Lacs Band Tribal Government for fiscal years ending September 30, 2024, and September 30, 2025. After careful consideration, I have decided to apply my veto in accordance with 3 MLBS § 17(c).

The purpose for my veto is narrow. Namely, the biennium budget is based on estimated casino distributions of \$36,842,782 for FY 2024 and \$37,753,605 for FY 2025. My understanding is that Grand Casinos Mille Lacs and Hinckley are estimated to produce approximately \$117 million in distribution for FY 2024 and \$123.8 million for FY 2025. This means that, after applying the Revenue Allocation Plan's 25 percent allocation for base government spending, tribal government can count on approximately \$29,250,000 in casino distributions per year. I am concerned that, if I sign this budget as presented, it will create a shortfall of more than \$7 million for FY 2024 and more than \$6 million for FY 2025. I propose that we address this potential problem now rather than later.

I would also like to see that the budget, as summarized in Exhibit A, reflect how each funding source is being used. These funding sources include Economic Development, Housing Initiative, Investment Income, Permanent Initiative, etc.

Thank you for hearing my concerns, and I look forward to resolving this matter at our compromise hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Virgil Wind", is written over a horizontal line.

Virgil Wind  
Chief Executive

## **Act 38-24**

An Act of Appropriation for Governmental Operations of the Executive, Legislative, and Judicial Branches; Circle of Health; Gaming Regulatory Authority; Department of Athletic Regulation; Supplemental Income Program for Elders; Tribal Employment Rights Office; and Band Member Legal Services of the Mille Lacs Band Tribal Government for fiscal years ending September 30, 2024, and September 30, 2025. This bill has been drafted based on formal documents submitted by the Office of Management and Budget and the Commissioner of Administration.

The District II Representative introduced the following Bill on the 24th day of July, 2024.

### **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 expenditures for Governmental Operations for the Fiscal Years ending September 30, 2024, and September 30, 2025.

**Section 1.01: Appropriation and authorizations of expenditures.** The Band Assembly hereby appropriates and authorizes the expenditures detailed in “Exhibit A,” which is incorporated herein as the budget for Fiscal Years 2024 and 2025.

**Section 1.02: Purposes of expenditures.** All funds appropriated are maximum fund amounts and shall not be exceeded within any line item unless otherwise permitted by Band law. Funds must be utilized for the purposes for which they were requested, notwithstanding any exceptions provided in this Bill or any other active Band law. No expenditure that causes a budget line item to be exceeded may be paid without further Band Assembly action, except that the Office of Management and Budget leadership is authorized to exercise reasonable discretion regarding line item budget overages such as to avoid unintended outcomes that would result in an adverse impact to the Band. Examples include, but are not limited to: paying a utility bill to avoid discontinuance of service/utility shut-offs; paying on an invoice to prevent incurrence of late payment charges; and, authorizing expenditures for emergency situations such as a broken water main or heating unit. Salary and wages are only permitted to be expended for the Position Titles listed in the budget (Exhibit A), at the corresponding hourly rates or below, unless approved through the Payroll Budget Revision process.

**Section 1.03: Certain grants and contracts excluded.** Specifically excluded from this Bill are any grants or contracts not listed in the budget (Exhibit A).

**Section 1.04: Supplemental appropriations.** Any increase in funding to any grant or contract listed in the attached fiscal year budget, or any newly received grant or contract, shall be subject to supplemental appropriation by the Band Assembly prior to any expenditure of these funds.

**Section 1.05: Decreases in funding.** Any decrease in funding to any grant or contract already budgeted shall automatically result in an equal decrease in the approved appropriation and, upon

notification of the decrease by the appropriate grant agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

**Section 1.06: Indirect costs.** Indirect costs shall be collected for the particular programs based on the current rate approved by the United States Department of Interior and/or Office of Inspector General, unless limited to a lesser rate by applicable federal and/or state regulations.

**Section 1.07: Quarterly progress reports.** Quarterly progress reports shall be presented to the Band Assembly by all Commissioners and program leaders, or their designees, for their respective programs. The Band Assembly shall notify the office of the Chief Executive and the office of each Commissioner and program leader is required to appear before the Band Assembly at least five (5) full days prior to the Commissioner's or program leader's scheduled appearance.

**Section 1.08: End of fiscal year.** Except as otherwise exempted, all appropriations shall lapse at the end of each fiscal year.

**Section 1.09: Budget revisions equal to or less than \$10,000.00 per month.** The Band Assembly hereby authorizes the Chief Executive, Secretary-Treasurer, District Representatives, Commissioners, Assistant Commissioner, Solicitor General, Chief Justice, Band Member Legal Services Managing Attorney, and Directors of the Gaming Regulatory Authority, Department of Athletic Regulation, and Tribal Employment Rights Office to approve budgetary revisions within programs, exclusive of salary and wage revisions, equal to or less than \$10,000.00 per month, provided that the budget revisions are allowable under grant provisions, if applicable, and that sufficient funds are available for the budget revisions.

**Section 1.10: Budget revisions greater than \$10,000.00 per month.** For budget revisions greater than \$10,000.00 per month, the Band Assembly hereby authorizes the Administration Policy Board (APB) to approve Executive Branch budget revisions within programs, exclusive of salary and wage revisions, of up to 50 percent (50%) of the total program's budget if the program is less than \$100,000.00 and up to 20 percent (20%) if the program is equal to or greater than \$100,000.00. Chief Executive budget revisions do not require approval by APB and instead are routed directly from the Chief Executive to Band Assembly. Budget revisions in excess of \$10,000.00 outside of the Executive Branch, do not require approval by APB, and instead are routed directly to Band Assembly. Budgetary revisions in excess of these thresholds must be approved by Band Assembly through an appropriation bill and enacted into law by the Chief Executive.

**Section 1.11: Budget revisions and transfers of Internal Service Funds.**

(a) For non-grant funded programs, budget revisions from health insurance (line item 4105), dental insurance (line item 4108), and workers' compensation (line item 4109) are prohibited except as provided in subsection b. Budget transfers from health insurance (line item 4105), dental insurance (line item 4108), and workers' compensation (line item 4109) are permitted only to cover program shortages within the same line item.

(b) Budget revisions and transfers from the Band's Health, Dental, and Workers' Compensation Internal Service Funds may be approved only if they contain excess funds, after the end-of-fiscal-year reconciliation.

**Section 1.12: Distribution of budget.** In order to protect Band interests, the Budget (Exhibit A) shall be stored electronically and in hard copy at a location designated by the Revisor of Statutes.

Band members may view a hard copy of the budget, exclusive of government-employee pay rates, in the Legislative Office in the Government Center by presenting a valid Band ID.

**Section 1.13: Grant funds.** All funds appropriated for federal, state, and private grant funds shall be appropriated to align with the grant term so as to automatically carry over to the next fiscal year if appropriated funds remain and if the grant is not completed within the fiscal year. If, for any reason, the grant term runs over the original end date causing costs to exceed the original appropriated amount, the Band Assembly must be notified immediately so as to take appropriate action. In addition, Band Assembly hereby appropriates and authorizes the expenditure of all federal, state, and private grant funds only after receipt by Band Assembly of the signed award letter from the grantor agency.

(Band Assembly Bill 21-02-38-24)

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

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

  
Sheldon Boyd, Speaker of the Assembly

APPROVED

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

\_\_\_\_\_  
Virgil Wind, Chief Executive

OFFICIAL SEAL OF THE BAND

**VETO**

 8-1-24  
\_\_\_\_\_  
Virgil Wind, Chief Executive      Date

## FY2024 Summary

[illegible]

## FY2025 Summary

[illegible]