

# 2008

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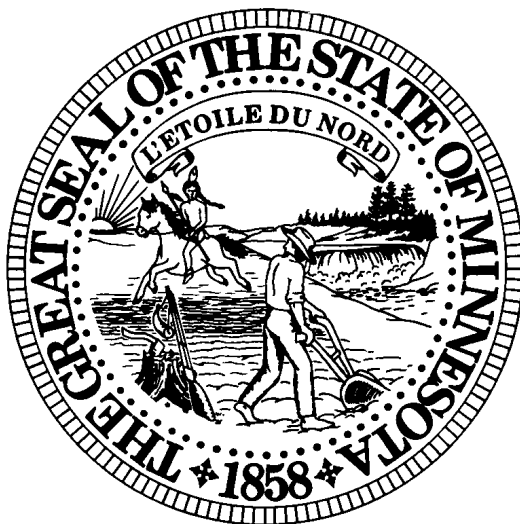
## Minnesota Indian

### Affairs Council



# *Annual Report*

*“The Indian Affairs Council’s vision is to strive for social, economic, and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional cultural and spiritual values.”*



## Protocols for Working with Tribes

*The following list of suggestions is provided to help you develop sound relationships with tribal officials.*

- Meetings between tribal officials and staff should, if possible, be conducted between the same level of officials.
- Respect Tribal council officials as officials of government.
- Tribal council officials expect to be treated in the highest professional manner when conducting business.
- Like all business relationships, honesty and integrity are highly valued. A sense of humor is appreciated, but generally, serious business-like behavior is appropriate.
- Personal interest in tribal political and cultural history is appreciated, but don't let your personal interest interfere with your mission or task. When possible, do your homework ahead of time to help you understand a situation or issue.
- During negotiations, prepare to discuss all aspects of an issue at hand simultaneously, rather than sequentially.
- Understand that there are different ways of communication. Seemingly extraneous data may be reviewed and re-reviewed.
- Always shake hands when introduced, meeting someone and departing. It is customary to shake hands with everyone in the room.
- For business meetings, dress formally.
- Traditional authorities often do not relate well to written communication and may find face-to-face consultation more appropriate.
- Like most people, American Indians object to being "consulted" by people who have little intention of doing anything in response to their concerns. Be prepared to negotiate -- to the extent that you have authority -- to find ways to accommodate the group's concerns. And be prepared to respond with reasons why the advice may or may not be followed.
- Do not rely solely on letters or other written materials to notify tribal governments of proposed plans or actions or to seek consultation. Many groups lack the funding or administrative support to receive and respond efficiently to letters. Letters may not reach the people who are most concerned. Follow-up written communication with telephone calls or in-person contacts.
- Tribal Governments usually are not wealthy. It may be difficult for tribal officials to come to meetings or exchange correspondence. In addition, traditional leaders are busy people with responsibilities in the social and cultural life of the community. Be careful how you use their time and avoid causing undue expense. In addition, tribal governments generally do not have large staffs to assign to meetings, follow-up, etc.
- Remember that American Indians may perceive themselves as having a long history of uneven relationships with the U.S. government. They may be suspicious of your proposals. Do not expect a sympathetic attitude to be automatic.
- Be flexible about deadlines, if possible. To be effective, try to follow the most natural schedule. If the mission requires that particular deadlines must be set, be sure to explain what they are and why they must exist. Expect to negotiate about them.
- Those you consult with might not be able to answer questions immediately. They may have to think about it and consult with others. As a result, it may be necessary to pose a question and then go away while they consider and debate the matter.
- Do not assume one American Indian speaks for all American Indians or tribal governments. Take advantage of organizations like the Urban Indian Advisory Council for broad input.

According to a survey by the National Conference of State Legislatures, "...state and tribal governments that work together on less controversial issues learn about each other in the process. Collaboration requires a willingness to overlook what might seem to be glaring differences in order to search for common ground. Increased understanding and communication that results in cooperation on less demanding issues fosters an improved ability to work together in the future".

"Success is not so closely related to what type of state organization, office or committee has been set up to deal with tribal issues as it is a function of (1) how involved (American Indians) are in the political structure; (2) how good the communication is between different branches of government dealing with Indian affairs; (3) how good the communication is between state government offices and (American Indian) communities; and (4) how much the employees of those offices understand and care about state-tribal relations."

Finally, remember what the N.C.S.L.'s *State and Tribes Building New Traditions* publication says:

"Cooperative state-tribal government relationships are difficult to establish. With slim guidance from the U.S. Constitution and inconsistent foundations in case law, states and tribes are forging their ways in a legal wilderness."

"The primary government-to-government relationship for most tribes is at the federal level. Because of ill-defined relationships and imprecise definitions of regulatory authority, state and Indian tribal governments are often on their own to work out one-to-one arrangements."

## Council Description and Background Information

The Minnesota Indian Affairs Council (MIAC) was established in 1963 (MN Statutes Chapter 888, Sec. 2 (3.922)). MIAC is a liaison between the State of Minnesota and the eleven Tribal Governments within the State. The Council provides a forum for and advises state government on issues of concern to American Indian communities. The Council administers two programs designed to enhance economic opportunities and protect cultural resources for the State's American Indian constituencies. The MIAC plays a central role in the development of state legislation. It monitors programs that affect the State's American Indian population and tribal governments. Minnesota was the first state in the nation to establish an Indian Affairs agency that today still provides a model for other states to follow.

## Vision Statement

***"The Indian Affairs Council's vision is to strive for social, economic and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional cultural and spiritual values."***

## Mission

The mission of the Indian Affairs Council is to protect the sovereignty of the eleven Minnesota Tribes and ensure the well being of American Indian citizens throughout the State of Minnesota.

## 2008 MIAC Board of Directors

### Executive Board: Voting Membership

- Bois Forte Band of Ojibwe
- Fond du Lac Reservation
- Grand Portage Band of Ojibwe
- Leech Lake Band of Ojibwe
- Lower Sioux Community
- Mille Lacs Band of Ojibwe
- Prairie Island Indian Community
- Red Lake Band of Ojibwe
- Shakopee-Mdewakanton Sioux
- Upper Sioux Community
- White Earth Band of Ojibwe

The Indian Affairs Board also consists of members from the Governor's office, Minnesota House of Representatives, Minnesota State Senate, and State Department Commissioner's Offices.

## Urban Indian Advisory Board (UIAB)

The Urban Indian Advisory Board is a subcommittee of the Minnesota Indian Affairs Council with representatives from four Minnesota cities that have significant American Indian populations: Minneapolis, St. Paul, Duluth, and Bemidji. Minneapolis and St. Paul each have 2 representatives and Duluth and Bemidji each have one representative that comprise the six-member UIAB. The Urban Advisory Board provides a forum for urban Indian communities, groups, and citizens to raise issues, discuss potential solution, and request action regarding those identified issues that impact them. The UIAB meets quarterly in the urban areas and, when appropriate, presents its findings to the full Minnesota Indian Affairs Council for potential action or support. These activities can be used as a basis for new legislation or policy change that affects the Indian urban populations in Minnesota. The chair of the UIAB attends and reports at the quarterly meetings of the full Council so as to allow direct communications between the Council and the UIAB.

As part of their mission, the members of the Urban Indian Advisory Board are committed advocates willing to introduce issues to the full Minnesota Indian Affairs Council. Especially those issues expressed by those they represent. With that in mind, the UIAB members seek to participate in strategic planning sessions to better identify which avenue they may pursue to address and solve problems. The strategic planning sessions present an excellent opportunity to create goals and objectives for the upcoming biennium.

## MIAC Staff

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## State American Indian Liaisons

Many state agencies provide services to tribes and other American Indians who do not reside within reservation boundaries. Several agencies have liaisons that directly coordinate with tribal, state and federal and Indian programs to ensure that services are delivered. The liaisons coordinate with the MIAC staff to review and analyze data and trends and provide the findings to their respective agencies, tribes and other American Indian programs.

## Cultural Resource Program

The Minnesota Indian Affairs Council has had a cultural and legal responsibility to monitor and enforce laws that have protected American Indian human remains and associated burial items, including protecting the places where our ancestors lived and camped.

The Cultural Resource Program works directly under three separate laws within Minnesota. The main law that MIAC has authority under is **Minnesota Statutes, section 307.08**, the Private Cemeteries Act. The Private Cemeteries Act applies to all human remains buried more than 50 years ago outside of platted cemeteries. This includes remains which may be in their original burial places, those reinterred

after removal from an original burial place, remains accidentally disinterred, remains authorized for disinterment, and remains currently held by individuals, agencies, or other institutions.

The procedures delineated herein apply to all state agencies, political subdivisions, institutions, and private individuals within the State of Minnesota.

Native American Graves Protection and Repatriation Act, (NAGRPA) also known as Public Law 101-601 are regulations developed for a systematic process for determining the rights of lineal descendants and members of Indian Tribes and Native Hawaiian organizations to certain Native American human remains and cultural items with they are affiliated. These regulations pertain to the identification and appropriate disposition of human remains and cultural items that are: In federal possession or control; or in the possession or control of an institution or State or local government receiving Federal funds; or that have been excavated or discovered on Federal or Tribal Lands.

### **Minnesota Sesquicentennial**

The Minnesota Indian Affairs Council was asked by the Executive Director of the MN Sesquicentennial to meet with them. At this meeting the MIAC was asked for involvement and input on the upcoming event. The Sesquicentennial presented this to the Executive Council at our board meeting, during this meeting there were very mixed feeling from the communities on the celebration of Minnesota's First 150 years. This was not a celebration for the American Indian Communities, in particle for the Minnesota Dakota communities. The last 150 years to the Dakota Communities was not one to be celebrated, nor was it any less damaging to the Ojibwe Tribes in Minnesota. But a number of the Tribal Leaders felt that the voices of the American Indian people who have made this place they called Minnesota our home for the last 10,000 years must be heard.

MIAC Cultural Resource staff attended the event and presented at the two day event, with a display showing examples of Minnesota 10,000 years of history. Artifacts, handouts, and information about the Tribal Communities that have been here long before Minnesota became a State in 1858 was provided to all attendees.

This was so well received that the MIAC was asked to join the Minnesota Sesquicentennial event at the State Fair, so at the State Fair in August and into September 2008. The Minnesota Indian Affairs Council Cultural Resource Program set up a larger display for the first 6 days of the State Fair Event. Provided thousands of Fairgoers Minnesota First 10,000 years of history and provided them the information about Minnesota's first peoples.

**MIAC–FY 2008 Budget and Expenditures**

Sources: <http://www.finance.state.mn.us/budget-summary/archives-bud>

**2008 Legislative Session**

In the 2008 legislative session, the MIAC continued to raise awareness of issues affecting the well being of all American Indian citizens and communities in the state of Minnesota. The Minnesota Legislature reconvened at noon on February 12, for the second year of the 85<sup>th</sup> session. The session is scheduled to end next Monday, May 19<sup>th</sup>. The bonding session was full of surprises. This became very evident as the Senate voted to override the Governor veto of the Transportation bill in February, which includes a tax increase of five cents will be phased in by October. There is also a gas service surcharge of up to 3.5 cents, based on the amount needed to repay trunk highway bonds. Three days later, MnDot Commissioner Molnau voted out on the senate floor.

The Indian Affairs Council, by unanimous vote in resolutions **02192008-02, 03, 05, 06, and 07**, supports numerous education initiatives that instruct the Department of Education, Office of Higher Education, Board of Teaching, and Education Minnesota on best practices for Indian children and learners in the state of Minnesota.

**Resolution 02192008-02**, brought forth by a delegation of the Leech Lake Band of Ojibwe, endorses efforts to regenerate the Dakota and Ojibwe language in the state of Minnesota. Currently, there are only two native language immersion school programs in Minnesota, which are Niigaane Ojibwe Language Immersion School at the Leech Lake Ojibwe Nation and the Wicoie Nandagikendan Urban program in Minneapolis. The languages are critically endangered and must be revitalized.

**Resolution 02192008-03**, brought forth by the Advisory Task Force on Minnesota American Indian Tribes and Communities, made the following recommendations, which were unanimously supported by the council.

- The Legislature established a permanent advisory committee on American Indian Education to advise the Minnesota Department of Education and oversee the implementation of recommendations of the Advisory Task Force on Minnesota American Indian Tribes and Communities. The task for calls for appropriate funding for expenses of all committee members.
- Restore the position of Director of Indian Education at the Minnesota Department of Education and provide appropriate funds to support this position.
- Maintain, fully fund, and expand the Success for the Future program.

- Strengthen teacher preparation programs and add continuing education requirements to address American Indian tribal sovereignty, history and culture, and a culturally relevant pedagogy to ensure effective instruction of all American Indian students.

**H.F. 3263**, as introduced by authors Clark, Moe, Mariani, Greiling, and Sailor, supports the recommendations of this resolution.

**Resolutions 02192008-05, 06, and 07**, were brought before the council after a unanimous vote of support and recommendation from the Urban Indian Advisory Board of the IAC.

**Resolution 02192008-05** recommends that the legislature re-open and permanently establish a Bemidji Minnesota office for administering of the Minnesota State Indian Scholarship program.

**Resolution 02192008-06** recommends that the 2009 legislature increase the Minnesota Indian Scholarship program's biannual appropriation from its current level of \$1,875,000 per year to \$2,875,000 per year to adequately meet the true needs of the American Indian learner.

**Resolution 02192008-07** recommends that the 2008 legislature adjust the 2008-2009 appropriation from its current level of \$1,875,000 per year to \$2,875,000 per year to adequately meet the true needs of the American Indian learner.

## **PUBLIC SAFETY – TRAFFICKING OF NATIVE WOMEN AND GIRLS**

**Resolution 02192008-04**, supports legislation (H.F. 3196), that requires the Commissioner of Public Safety's annual report include information on the trafficking of American Indian women and girls, and appropriates money for the research on the trafficking of American Indian women and girls.

The MIAC also supports that funding be directed to an established American Indian nonprofit organization whose mission is to serve American Indian women and girls and their families, with a focus on sexual/gender violence advocacy, building resources, and creating policy change and awareness to end sexual violence, in order to ensure maximum outcomes and culturally appropriate methodology.

**H.F. 3196** was introduced, but did not go far in the hearings and was stalled.

## **GRANDPARENTS RAISING GRANDCHILDREN**

**Resolution 02192008-08**, by unanimous vote, the MIAC supports the Kinship Navigation Bill, HF 2751, brought forward by the Minnesota Kinship Caregivers Association, which would provide crucial services to assist grandparents who raise their grandchildren. Some of the services included are help in



obtaining legal services, education and information about family support services, mental health and substance abuse referrals, assistance in obtaining public assistance, and advocacy of kinship families.

**Resolution 02192008-09**, by a unanimous vote, the IAC supports the Kinship Support Act, A Preventive Subsidy Child Only Grant, which would allow the kinship child to receive access to TANF funds to receive benefits that would not be based on caregiver incomes, child support, or other income due to special needs of the child. The current child-only grant funding would not depend on if and when a parent does or does not pay child support, and would continue to be available to support the child as long as the child did not return to the custody of the parent.

## **RESOLUTION REQUIRING LEGISLATURE TO AFFIRM RECOGNITION OF TRIBAL SOVEREIGNTY**

**Resolution 02192008-01** is a draft of a resolution that will be presented to the House of Representatives and Senate for their support. In summary, the resolution “(1) affirms recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the territorial boundaries of the United States to the fullest extent provided by federal law; and (2) Encourages all state departments and agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights and, when engaging in activities or developing policies affecting American Indian tribal rights or trusts resources, to do so in a knowledgeable manner that is respectful of tribal sovereignty.”

The Governor and house and senate leaders are working on differences in property tax and military tax relief spending. These differences need to be sorted out before the session ends.

## **SEXUAL TRAFFICKING BILL STALLED**

**HF 3196** has been introduced in the house. It has not been introduced in the Senate. It would need to be heard in Senator Moua’s committee but she is refusing a hearing. Her argument is that there is no money and they want to treat sexual trafficking of American Indian women as an issue dealing with immigrants. Clearly, it is not. The bill will not move anywhere this year, but will be reintroduced next year.

Since February 1998, the Legislature has been in session. Since 1963, the Indian Affairs Council (MIAC) of the State of Minnesota has been dedicated to its mission, which is to “protect the sovereignty of the eleven Minnesota Tribes and ensure the well being of all American Indian citizens throughout the state of Minnesota.” In order to ensure this, many hours are logged walking around the State Capitol during the legislative session.

This session has been an interesting one of several tribally driven as well as Indian Affairs Council initiatives in the state of Minnesota. The Indian Affairs Council in conjunction with the House Speaker

and Senate Majority Leader offices celebrated the first training for legislators designated “Indian Issues 101.” The Indian Affairs Council will be offering this training to legislators again on February 18 and 19, 2008. The goal of the training is to provide better understanding of important laws governing tribes and to better equip and prepare all legislators to work with Indian Tribes throughout the state of Minnesota through the legislative year and beyond.

Since last year was a budget year, this year will be a bonding year, focusing on capitol projects. Early estimates say that bills already submitted total more than \$3 billion dollars, but the budget is around \$965 million, as proposed by the Governor.

There will no doubt be many floor sessions lasting late into the night as the legislators work on a short time frame.

This year the state of Minnesota celebrates its 150 years as a state. For 150 years, the tribes have remained strong in their sovereign status as nations within this state of Minnesota. Through our commitment at the MIAC offices, we will continue to further the legislature’s understanding of this crucial legal relationship between the state and tribes and continue to set forth recommendations to the improvements of social and economic conditions that affect all members of our American Indian citizens and their communities.

We anticipate and look forward to working with the legislature on changes in policy that positively affect our American Indian citizens and communities now and for years to come.

Thank You.

*Minnesota Indian Affairs Council*