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Indian Affairs Council

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AT A GLANCE

- The Council serves the entire state and the eleven sovereign Tribal Nations in Minnesota.
- There are approximately 61,000 American Indians statewide
- The Council has five full-time staff and two offices located in St. Paul and Bemidji
- The 28 member board is comprised of elected Tribal Leaders, the Governor’s Office, members of the State Legislature, and State Agency Commissioners
- 6 member Urban Indian Advisory Board (UIAB) that advises the Council on issues specific to the urban American Indian communities in Minneapolis, St. Paul, Bemidji, and Duluth

PURPOSE

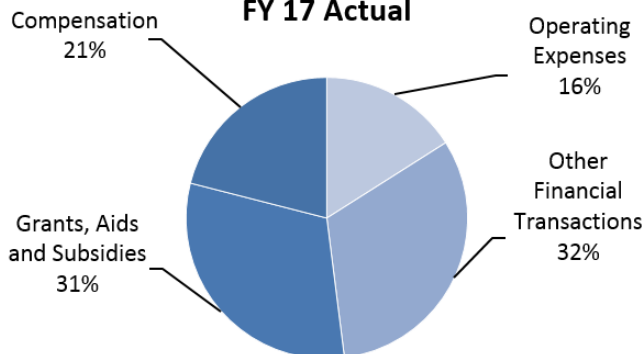
The mission of the Minnesota Indian Affairs Council (MIAC) is to enhance the sovereignty of the eleven Tribal Nations in Minnesota, and to ensure the well-being of American Indian citizens throughout the state. Established in 1963, the MIAC serves as the primary liaison between sovereign Tribal Nations and state government. The Council also advises and makes policy recommendations to the Governor and Legislature. The MIAC proposes the yearly agenda for the annual Governor/Tribal Leaders summit. The MIAC also fulfills duties under M.S. 307.08 and M.S. 138.00, through its Cultural Resource program. The Cultural Resource program works in collaboration with the office of the State Archaeologist to protect American Indian cemeteries, gravesites, and burial mounds statewide.

The Minnesota Indian Affairs Council contributes to the following statewide outcomes through its own work and by partnering with other agencies:

- **Strong and stable families and communities**
- **A thriving economy that encourages business growth and employment opportunities**
- **Minnesotans have the education and skills needed to achieve their goals**
- **All Minnesotans have optimal health**
- **A clean and healthy environment with sustainable uses of natural resources**
- **People in Minnesota are safe**
- **Efficient and accountable government services**

BUDGET

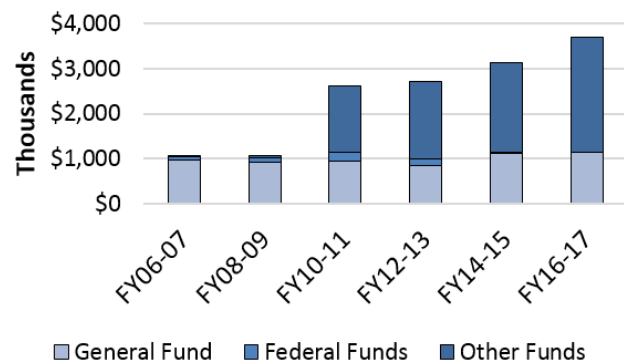
**Spending by Category
FY 17 Actual**



Grants Aid and Subsidies are the appropriations from the Arts and Cultural Heritage Fund for Language Revitalization and Cultural Resources.

Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Legend: General Fund, Federal Funds, Other Funds

MIAC no longer receives any federal funds in FY 14-15

Source: Consolidated Fund Statement

The Minnesota Indian Affairs Council has a total biennial budget of approximately \$3.8 million. The biennial General Fund support is approximately \$1.1 million. Funding from the Arts & Cultural Heritage Fund, consisting of grants to communities for Dakota and Ojibwe Language Revitalization, is approximately \$2.7 million.

STRATEGIES

To accomplish its mission, the Minnesota Indian Affairs Council uses the following strategies:

- Convene quarterly board meetings which bring together elected Tribal leaders representing eleven Tribal Nations (MIAC Executive Board), state government elected and appointed officials, key agency program staff, and the public. Executive Board discussion and formal action through adoption of resolutions leads to increased collaboration and coordination with state agency leadership.
- Make policy recommendations to the Governor, State Legislature, and state agencies.
- Educate the public and local governments on issues important to American Indian tribes and people.
- Promote the revitalization and preservation of the Dakota and Ojibwe Languages through the grants program supported by the Legacy Amendment.
- Coordinate with state agency Tribal liaisons to ensure effective program implementation.
- Partner with state agencies to plan and facilitate the Minnesota Tribal-State Relations Training.
- Assist state agencies in coordinating government-to-government consultation discussions.
- Citizen and public outreach through participation on State, Tribal, and community advisory boards, commissions, committees, and task forces.
- Educate the public and state agency employees through the use of the Why Treaties Matter Exhibit.

In 2017, MIAC secured a permanent installation of the Why Treaties Matter banner exhibit on the 3rd floor public space in the newly-renovated State Capitol building, elevating the visibility of Tribal Nations, and creating an educational opportunity for the public.

RESULTS

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Total grants awarded through Dakota and Ojibwe language revitalization grant program	17 Awarded Grants	17 Awarded Grants	FY16-17 FY 18-19
Quantity	Number of unique institutions/entities that have been awarded grants through Dakota and Ojibwe language revitalization grant program	20 total awarded entities	37 total awarded entities	FY14-15 FY18-19
Quality	Increase public knowledge about the unique relationships between Tribal Nations and the State through the Why Treaties Matter Exhibit	60,000 visitors	87,000 visitors	FY2016 FY2018
Quantity	Increase public knowledge about treaties and tribal sovereignty through the Why Treaties Matter Exhibit	99 host sites in 59 Minnesota cities	109 host sites in over 65 Minnesota cities	FY16 FY18

The Minnesota Indian Affairs Council's legal authority comes from MS 3.922 (<https://www.revisor.mn.gov/statutes/?id=3.922>).

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
<u>Expenditures by Fund</u>								
1000 - General	515	619	385	780	586	586	1,119	1,106
2000 - Restrict Misc Special Revenue			39	36				
2001 - Other Misc Special Revenue	54		144	302				
2301 - Arts & Cultural Heritage	1,110	1,410	1,369	1,407				
2403 - Gift				16	20		20	
Total	1,680	2,029	1,937	2,541	606	586	1,139	1,106
Biennial Change				770		(3,286)		(2,233)
Biennial % Change				21		(73)		(50)
Governor's Change from Base								1,053
Governor's % Change from Base								88

Expenditures by Program

Indian Affairs Council	1,680	2,029	1,937	2,541	606	586	1,139	1,106
Total	1,680	2,029	1,937	2,541	606	586	1,139	1,106

Expenditures by Category

Compensation	445	426	463	783	424	431	830	851
Operating Expenses	136	317	247	583	182	155	309	255
Grants, Aids and Subsidies	435	638	773	675				
Other Financial Transaction	664	648	454	500				
Total	1,680	2,029	1,937	2,541	606	586	1,139	1,106

Full-Time Equivalent

	5.35	4.97	4.96	5.27	4.00	4.00	8.00	8.00
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(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
1000 - General								
Balance Forward In		64		195				
Direct Appropriation	569	576	580	585	586	586	1,119	1,106
Transfers Out		18						
Cancellations		3						
Balance Forward Out	54		195					
Expenditures	515	619	385	780	586	586	1,119	1,106
Biennial Change in Expenditures				30		7		1,060
Biennial % Change in Expenditures				3		1		91
Governor's Change from Base								1,053
Governor's % Change from Base								90
Full-Time Equivalents	4.60	4.24	4.07	3.74	4.00	4.00	8.00	8.00

2000 - Restrict Misc Special Revenue

Balance Forward In				36				
Receipts			75					
Balance Forward Out			36					
Expenditures			39	36				
Biennial Change in Expenditures				75		(75)		(75)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								
Full-Time Equivalents			0.27	0.28				

2001 - Other Misc Special Revenue

Balance Forward In				49				
Receipts	54		192	253				
Balance Forward Out			49					
Expenditures	54		144	302				
Biennial Change in Expenditures				391		(446)		(446)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								
Full-Time Equivalents	0.63			0.75				

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
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2301 - Arts & Cultural Heritage

Balance Forward In	21	221	136	87				
Direct Appropriation	1,325	1,325	1,320	1,320	0	0	0	0
Transfers In			40					
Transfers Out			40					
Cancellations	14	0	0					
Balance Forward Out	221	136	87					
Expenditures	1,110	1,410	1,369	1,407				
Biennial Change in Expenditures				256		(2,776)		(2,776)
Biennial % Change in Expenditures				10		(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								
Full-Time Equivalents	0.12	0.73	0.62	0.50				

2403 - Gift

Balance Forward In	0	0	0	26	20		20	
Receipts	0	0	26	10				
Balance Forward Out	0	0	26	20				
Expenditures				16	20		20	
Biennial Change in Expenditures				16		4		4
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								

(Dollars in Thousands)

	FY19	FY20	FY21	Biennium 2020-21
Direct				
Fund: 1000 - General				
FY2019 Appropriations	585	585	585	1,170
Base Adjustments				
Pension Allocation		1	1	2
Forecast Base	585	586	586	1,172
Change Items				
Private Cemeteries Act Amendments (M.S. 307.08)		533	520	1,053
Total Governor's Recommendations	585	1,119	1,106	2,225
Fund: 2301 - Arts & Cultural Heritage				
FY2019 Appropriations	1,320	1,320	1,320	2,640
Base Adjustments				
One-Time Legacy Fund Appropriations		(1,320)	(1,320)	(2,640)
Forecast Base	1,320	0	0	0
Total Governor's Recommendations	1,320	0	0	0
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	36			
Forecast Base	36			
Total Governor's Recommendations	36			
Fund: 2001 - Other Misc Special Revenue				
Planned Spending	302			
Forecast Base	302			
Total Governor's Recommendations	302			
Fund: 2403 - Gift				
Planned Spending	16	20		20
Forecast Base	16	20		20
Total Governor's Recommendations	16	20		20
Revenue Change Summary				
Dedicated				
Fund: 2001 - Other Misc Special Revenue				
Forecast Revenues	253			
Total Governor's Recommendations	253			

(Dollars in Thousands)

	FY19	FY20	FY21	Biennium 2020-21
Fund: 2403 - Gift				
Forecast Revenues	10			
Total Governor's Recommendations	10			

Indian Affairs Council

FY 2020-21 Biennial Budget Change Item

Change Item Title: Private Cemeteries Act Amendments (MS 307.08)

Fiscal Impact (\$000s)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund				
Expenditures	533	520	520	520
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	533	520	520	520
FTEs	4	4	4	4

Recommendation:

The Governor recommends amending the Private Cemeteries Act (MS 307.08) to more effectively protect American Indian cemeteries and burial features from inadvertent discovery or unintentional unearthing of human remains. The Governor also recommends additional funding of \$533 thousand in FY 2020 and \$520 thousand each year thereafter at the Minnesota Council of Indian Affairs (MIAC) for four additional staff and operating costs to comply with the Private Cemeteries Act amendments.

Rationale/Background:

American Indian cemeteries, burial mounds, and cultural sites are protected under state and federal law. The Minnesota Indian Affairs Council is responsible to manage, oversee, and protect American Indian cemetery sites, and is the sole authority to recover and rebury American Indian human remains that have been unintentionally disturbed, primarily due to construction and development. At any given time, the Minnesota Indian Affairs Council, in collaboration with the Minnesota Office of State Archeologist (OSA), are involved in multiple rescues and recoveries of unintentionally unearthed human remains. These burial recovery projects occur on public and private land, and involve multiple land jurisdictions and authorities, including: tribal, city, county, state, federal, and private.

MIAC, Tribes, cities, counties, and the state continue to be at risk for additional cemetery disturbances that could be prevented with appropriate review of proposed construction project and development plans. The most recent cemetery disturbances have caused a significant strain on state resources, including costly project delays, costly emergency burial recovery efforts, and strained relationships between the state and Minnesota Tribal Nations.

Proposal:

The Governor recommends amending the Private Cemeteries Act in an effort to more effectively protect American Indian cemeteries and burial features from inadvertent discovery or unintentional unearthing of human remains. This recommendation also promotes a more collaborative relationship between the Minnesota Indian Affairs Council and the Office of State Archeologist through the creation of an MOU between the two agencies. It strengthens the authority of the Minnesota Indian Affairs Council over cemeteries deemed to be American Indian, and provides greater flexibility in the qualified professionals and appropriate experts that can be utilized to assess or identify cemeteries. Finally, this recommendation provides greater protection to American Indian cemeteries by proposing additional construction and development plan review by the Indian Affairs Council if a proposed project is within 300 feet of an American Indian cemetery, burial features, historic American Indian villages, or historic cultural features.

The current base agency budget of the Indian Affairs Council is \$580,000. MIAC has also received a one-time biennial appropriation of \$200,000 from the Legacy Amendment – Arts and Cultural Heritage Fund for FY18-19, to fulfill its duties under MS 307.08 (Private Cemeteries Act). A majority of the agency budget is dedicated to supporting 5 FTE, including 2 FTE that work exclusively on cultural resources and cemetery protection. These two FTE have the responsibility to review all construction and development plans that come to the Indian Affairs Council requesting review, in addition to all other duties required, including archeology and burial recovery.

This recommendation includes funding for 4.0 new FTEs, office space and equipment, travel, training, contracted services, and supplies:

Expense	FY20	FY21
4 FTEs, 2 SPA Coordinators, 2 SPA seniors	\$406	\$420
Rent Administration Building (175 sq. ft. per person) for 4 new FTEs	\$18	\$18
Furniture \$7,000 per workstation (cubes for 4 new FTEs, cube and office for existing OSA staff)	\$24	\$0
Computer/Telephone Equipment	\$3	\$0
Communications & IT Support/Maintenance	\$8	\$8
Travel In-State	\$24	\$24
Travel Out-of-state	\$6	\$6
Supplies	\$4	\$4
Training	\$5	\$5
Contracted Services	\$35	\$35
Total	\$ 533	\$520

Equity and Inclusion:

American Indian citizens and Tribal Nations have been most impacted historically. Elected Tribal leaders and the Minnesota Indian Affairs Council have been advocating for these statute and policy amendments for years. Former State Archeologists weren’t receptive to previous attempts to amend the statute, which promote a collaborative effort between MIAC and OSA, and strengthen the authority of the MIAC over American Indian cemetery sites. Tribal leaders have also personally requested these changes from the Governor, including this year when elected leaders representing Minnesota’s four Dakota Tribes met with the Governor to express concern about the lack of resources and staff available to MIAC to fulfill their statutory duties. MIAC also issued a resolution in support of policy amendments and a request for additional appropriations. Tribal Elected Officials, Tribal Historic Preservation Officers, and American Indian communities have been consulted and collaborated with to develop the policy amendments and accompanying appropriation.

IT Related Proposals:

N/A

Results:

MIAC estimates close to 100 construction and development plans are currently reviewed per year. MIAC estimates that plans sent by state agencies and local governmental entities will increase to 800-1000 per year with implementation of the new 300-foot buffer that triggers review. State agencies that have typically conducted cultural resource reviews in-house, will now be required to send construction and development plans to both the Indian Affairs Council and the Office of State Archeologist. MnDOT has an estimated 600 projects that they would send MIAC for review on an annual basis. An additional 200 additional reviews would come from local government projects, once they become more aware of MN Stat. 307.08 regulations and requirements. The work volume for the Indian Affairs Council is anticipated to increase fivefold. Since current staff reviews close to 100

plans per year in addition to other duties, we assume the additional volume could be addressed by two additional FTE with responsibility to conduct plan review.

MIAC also currently performs preliminary condition assessments through low tech methods (shovel tests, records/map review) and does not have financial resources to contract for additional expertise needed such as ground penetrating radar or other non-invasive technologies that American Indian communities prefer to manual invasive testing. Currently, each cemetery assessment can take between 40 hours to 120 hours depending on the complexity of the assessment. In collaboration with OSA, MIAC staff complete approximately 20 assessments/year for a total of 1,500 hours.

MIAC assumes an increase in the number of request for cemetery condition assessments to increase from 20 to 100 resulting in the need for an additional 2 FTEs. Cemetery condition assessments require travel across Minnesota, and travel costs will be significant. There are eleven separate Tribal Nations in Minnesota that are all geographically located in greater Minnesota. MIAC has state-wide responsibility, and will be conducting assessments and initial project review on-site.

Statutory Change(s):

MS 307.08