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Indian Affairs Council

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<https://mn.gov/indianaaffairs/>

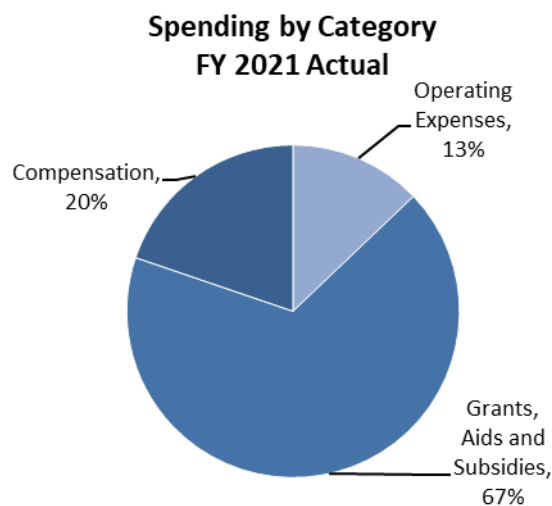
AT A GLANCE

- The Council serves the entire state including the eleven sovereign Tribal Nations in Minnesota.
- There are approximately 61,000 American Indians statewide.
- The Council has six 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.
- Six-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

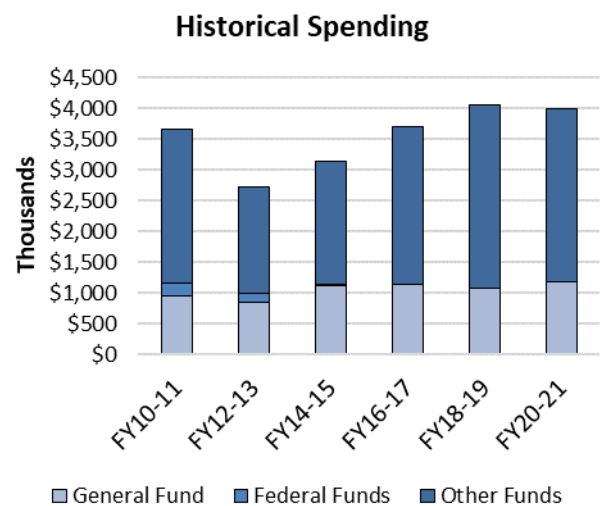
The mission of the Minnesota Indian Affairs Council (MIAC) is to uphold the sovereignty of the eleven Tribal Nations in Minnesota, and to ensure the well-being of American Indian citizens throughout the state. Established in 1963, the MIAC serves as the primary liaison between sovereign Tribal Nations and state government. The Council advises and makes policy recommendations to the governor and legislature. The MIAC proposes the yearly agenda for the annual Governor Tribal Leader Summit where priority issues and plans are discussed for the upcoming year and legislative session. MIAC continues to fulfill duties under MS 307.08 and MS 138.00, through its Cultural Resource department. The Cultural Resource program works in collaboration with the Department of Administration’s Office of the State Archaeologist to protect American Indian cemeteries, gravesites, and burial mounds statewide. Additionally, MIAC is a re-granter agency and administers a Dakota and Ojibwe Language Revitalization program through the Legacy Amendment Arts and Cultural Heritage Fund.

BUDGET



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

Source: Budget Planning & Analysis System (BPAS)



Note: After FY14-15 MIAC has not received any federal funds

Source: Consolidated Fund Statement

The Minnesota Indian Affairs Council has a total biennial budget of approximately \$6.6 million for the FY 2022-23 biennium. The biennial General Fund support is approximately \$1.7 million. Funding from the Arts & Cultural

Heritage Fund, consisting of grants to communities for Dakota and Ojibwe Language Revitalization, is approximately \$4.9 million.

STRATEGIES

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

- Convene three-day executive and public board meetings quarterly which bring together elected tribal leaders from tribal nations that share geography with the State of Minnesota (MIAC Executive Board), state agency commissioners, 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 Language Grants department supported by the Legacy Amendment.
- Regulate and oversee repatriation and respectful and culturally competent reburials of American Indian remains throughout the state. This requires collaboration with state agencies, the Army Corps of Engineers, state and local governments, Tribal Historic Preservation Officers, and elected tribal officials.
- Coordinate with state agency Tribal liaisons to ensure effective program implementation and compliance with MN State Law Sec. 10.65 Government to Government Relationship with Tribal Governments and Tribal Consultation.
- Partner with state agencies and tribal nations to plan and facilitate the Minnesota Tribal State Relations Training.
- Assist the Governor's Office Tribal-State Relations Team and state agencies tribal liaisons with a platform for discussion and information sharing between governments.
- 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.
- Provide education and referrals to resources or other learning opportunities regarding tribal governments and people.

In 2022 MIAC extended an offer of employment for an additional Cultural Resource Staff to enhance recovery and reburial efforts in the state. The MIAC Cultural Resource department is expanding in order to provide better consultative services to reduce the number of inadvertent discoveries, and in turn, save the state potentially millions of dollars. The Cultural Resource department has been increasing communication to and building stronger relationships with the Tribal Historic Preservation Officers which has been an invaluable partnership in our efforts to protect American Indian graves. Also, in 2022 MIAC hired a full time Language Grants Support Admin to assist with a growing portfolio of Dakota and Ojibwe Language Grants. MIAC is growing overall, illuminating the need for service expansion directly in correlation to the new MN Statutes Sec. 10.65 and an increase in tribal state relations.

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 11 22	17	FY16-17, FY18-19, FY20-21, FY 22
Quantity	Number of filled positions within the Cultural Resource Unit who are qualified with regulative authority and oversight of American Indian repatriation and reburials.	3 3 2 2	2	FY18, FY19, FY20, FY21, FY22
Quality	Number of Dakota and Ojibwe Language Revitalization and Strategic Plan documents approved and adopted by the tribal nations in the State of MN	3 3 3 3	3	FY18, FY19, FY20, FY21, FY22

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 FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
<u>Expenditures by Fund</u>								
1000 - General	565	608	511	1,208	864	864	1,337	1,360
2000 - Restrict Misc Special Revenue			314	11				
2001 - Other Misc Special Revenue	22	7	18	125	125		125	
2301 - Arts & Cultural Heritage	1,444	1,354	1,446	3,321				
Total	2,030	1,968	2,290	4,665	989	864	1,462	1,360
Biennial Change				2,956		(5,102)		(4,133)
Biennial % Change				74		(73)		(59)
Governor's Change from Base								969
Governor's % Change from Base								52

Expenditures by Program

Indian Affairs Council	2,030	1,968	2,290	4,665	989	864	1,462	1,360
Total	2,030	1,968	2,290	4,665	989	864	1,462	1,360

Expenditures by Category

Compensation	423	388	406	715	669	623	1,002	969
Operating Expenses	295	253	589	897	319	240	459	390
Grants, Aids and Subsidies	1,293	1,323	1,291	3,049				
Capital Outlay-Real Property	1	1						
Other Financial Transaction	18	4	3	4	1	1	1	1
Total	2,030	1,968	2,290	4,665	989	864	1,462	1,360

Full-Time Equivalent

	4.92	4.48	4.62	8.50	7.00	6.50	10.00	9.50
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In		317		344				
Direct Appropriation	853	846	855	864	864	864	1,337	1,360
Cancellations		556						
Balance Forward Out	288		344					
Expenditures	565	608	511	1,208	864	864	1,337	1,360
Biennial Change in Expenditures				547		9		978
Biennial % Change in Expenditures				47		1		57
Governor's Change from Base								969
Governor's % Change from Base								56
Full-Time Equivalents	4.85	4.04	3.35	6.50	6.50	6.50	9.50	9.50

2000 - Restrict Misc Special Revenue

Balance Forward In			325	11				
Receipts		325						
Balance Forward Out		325	11					
Expenditures			314	11				
Biennial Change in Expenditures				325		(325)		(325)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								

2001 - Other Misc Special Revenue

Receipts	22	7	18	125	125		125	
Expenditures	22	7	18	125	125		125	
Biennial Change in Expenditures				114		(18)		(18)
Biennial % Change in Expenditures				394		(13)		(13)
Governor's Change from Base								0
Governor's % Change from Base								
Full-Time Equivalents	0.07	0.01	0.23	0.50	0.50		0.50	

2301 - Arts & Cultural Heritage

Balance Forward In	158	371	1,065	1,321				
Direct Appropriation	1,665	1,885	2,000	2,000	0	0	0	0

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY20	FY21	FY22	FY23	FY24	FY25	FY24	FY25
Cancellations	9		299					
Balance Forward Out	371	902	1,320					
Expenditures	1,444	1,354	1,446	3,321				
Biennial Change in Expenditures				1,969		(4,767)		(4,767)
Biennial % Change in Expenditures				70		(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								
Full-Time Equivalents		0.43	1.04	1.50				

2403 - Gift

Balance Forward In	25	1	1	1	1	1	1	1
Receipts	(25)	0	0					
Balance Forward Out	1	1	1	1	1	1	1	1

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	864	864	864	1,728
Forecast Base	864	864	864	1,728
Change Items				
Legislative and Policy Director Position		120	120	240
Maintain Current Service Levels		53	76	129
Support the Office of State Archaeologist and Implement Private Cemeteries Act Update		300	300	600
Total Governor's Recommendations	864	1,337	1,360	2,697
Fund: 2301 - Arts & Cultural Heritage				
FY2023 Appropriations	2,000	2,000	2,000	4,000
Base Adjustments				
One-Time Legacy Fund Appropriations		(2,000)	(2,000)	(4,000)
Forecast Base	2,000	0	0	0
Total Governor's Recommendations	2,000	0	0	0
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	11			
Forecast Base	11			
Total Governor's Recommendations	11			
Fund: 2001 - Other Misc Special Revenue				
Planned Spending	125	125		125
Forecast Base	125	125		125
Total Governor's Recommendations	125	125		125
Revenue Change Summary				
Dedicated				
Fund: 2001 - Other Misc Special Revenue				
Forecast Revenues	125	125		125
Total Governor's Recommendations	125	125		125

Indian Affairs Council

FY 2024-25 Biennial Budget Change Item

Change Item Title: Legislative and Policy Director Position

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	120	120	120	120
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	120	120	120	120
FTEs	1	1	1	1

Recommendation:

The Governor recommends additional funding of \$120,000 in FY 2024 and each subsequent year from the general fund for one new Legislative and Policy Director at the Minnesota Indian Affairs Council (MIAC). The addition of one FTE for this position will enable MIAC to better carry out its legislative duties and communication responsibilities to the tribal nations, urban Indian community, state government and other stakeholders. This position will serve as a liaison between state agencies, the governor’s office, tribal government affairs staff, and elected tribal leaders as well as the public to better inform and make recommendations for legislation and programs that are beneficial to tribal nations and members of the urban American Indian community. Further, this position will assist in interpreting policies that have implication for tribal nations and people. Lastly, this position will develop and implement internal and formal MIAC agency policies.

Rationale/Background:

This would add one additional FTE to our current team of 4.5 FTEs that are supported by our general fund. Note: our cultural resource department consists of two FTEs who are tasked solely with American Indian Graves protection under MN Statutes 307.08 Private Cemeteries Act, 138.31-138.42 Field Archeology Act, and Public Law 101-60 Native American Graves Protection and Repatriation Act (NAGPRA) therefore they do not have the capacity to carry out MIAC’s agency responsibilities under MN Statute 3.922.

MIAC is tasked with duties outlined by MN Statutes 3.922 including the primary tasks of:

- (1) analyze and make recommendations to tribal elected leaders and to members of the legislature and the governor on legislation and information on programs, proposals, and projects of importance to tribal governments and nontribal Indian organizations,
- (2) assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the federally recognized tribes in Minnesota and the urban Indian communities,
- (3) assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services,
- (4) assist in ensuring the provision of resources and the delivery of services to the federally recognized tribes in Minnesota and the urban Indian communities,
- (5) recommend to tribal governments and the state government the means to enhance the delivery of services to the members of federally recognized tribes in Minnesota by local, state, and national units of government,
- (6) assist state agencies in implementing and updating studies of services delivered to the federally recognized tribes in Minnesota and urban Indian communities,

- (7) provide, for the benefit of all levels of state government, a continuing liaison between state governmental bodies and elected tribal leaders,
- (8) interact with private organizations involved with Indian people that develop and implement programs to assist Indian people, when such programs may affect state agencies and departments,
- (9) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for Indian persons who have been, are, or may be subject to prejudice and discrimination,
- (10) review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations to elected tribal leaders on the out-of-home placement of Indian children; and
- (11) prepare a proposed agenda for the annual summit of elected tribal leaders, legislative leaders, and the governor.

MIAC was created in 1963 with the duty to bring the voice of tribal governments and the urban American Indian to state government to inform on issues affecting our communities and advocate for our needs. MIAC serves as the official state agency liaison between state and tribal government. In addition, MIAC organizes and oversees all stages of preparation and execution of our three-day quarterly board meetings that include top level state and tribal leaders that constitute our board of directors. In addition, two statewide programs are housed at MIAC, the Dakota and Ojibwe Language Revitalization Grants Program and the Cultural Resource Department charged with American Indian Graves Protection on public and private lands throughout the state. Due to staff and resource limits, MIAC does not have the capacity to develop, recommend, or report on legislation that could potentially affect tribal nations and people in a timely manner. Further, a policy component would not only aid in understanding legislative implications for tribal nations and people, but it would also serve to develop internal policies for the MIAC agency.

The Legislative and Policy Director will ensure uninterrupted communications with and between the sovereign tribal nations located in the State of MN. Communication regarding legislation that affects tribal nations and people are critical for good governance between the state and the tribal governments. Currently, MIAC is unable to provide these services due to heavy workloads of all staff.

The proposal is based on the request of the MIAC executive board, consisting of elected tribal leaders of ten of the eleven sovereign nations as well as community feedback. This proposal is recommended by all members of the MIAC executive board who understand the essential role MIAC plays in tribal and state relations as well as the limited resources allocated to the Council. Aside from our two distinct departments, the Dakota and Ojibwe Language Revitalization Grants and Cultural Resources, the executive director and the executive assistant carry out all duties listed in MN Statute 3.922.

Proposal:

While the addition of a Legislative and Policy Director is certainly not a new initiative, there has been a tremendous gap in providing these services. The position was previously shared with the Grants Manager position. The Grants Manager position requires staff solely dedicated to the oversight of the Dakota and Ojibwe Language Grants and since our grants department has grown to require two full time positions. The Legislative and Policy Director will be a new one FTE for MIAC, however, we have been responsible to provide this service but simply have not had the capacity to.

This funding will cover salary and fringe benefits for the administrative and programmatic capacity for a full time dedicated Legislative and Policy Director. Most, if not all, state agencies employ a full-time legislative position. It is a much-needed position within the state enterprise to advocate on behalf of each respective agency and MIAC is no different in this need. This position aligns with MIAC's mission to protect the sovereignty of the eleven tribal nations and ensure the well-being of all American Indian citizens of the state of Minnesota. With the addition of a legislative government affairs component, MIAC will have the ability to work closely with the state and tribal

governments in all legislative and policy matters that have tribal implications. This position will communicate with the elected tribal leaders of the sovereign nations and their government affairs staff as well as legislators and the governor's office to ensure good relations and decision making not only during the legislative session, but year-round. Further, this position will provide guidance of the Laws of Minnesota 2021, 1st Spec. Sess. chapter 14, article 11, section 5 and will organize bi-monthly state agency tribal consultation work groups with the state agency tribal liaisons. Communication, coordination, and consultation will be at the center of this work to include a component of information sharing to the American Indian agencies, people, and to all stakeholder groups as well as to the public.

The MIAC board chair and executive director have been working on a comprehensive position description for this role over the past two years. The COVID-19 pandemic and increased responsibilities due to it have severely limited movement forward on the new position, including a statewide hiring freeze. It is the wish of the Executive Council that this position be hired as soon as possible however, MIAC agency estimates recruitment and hiring of this position by the end of August 2023.

Impact on Children and Families:

This funding builds on the governor's vision of a One Minnesota where children and families are priority. American Indian children have the highest educational achievement gap in the state, the highest out of home placement, and American Indians are disproportionately represented in all other disparities including mental and chemical health. With the addition of this position, MIAC will have the ability to consult with tribal governments and American Indian agencies to advocate for programs and services that will provide the best outcomes for our nations and people. This position will advocate for housing stability and resources, revitalization of our Dakota and Ojibwe languages, access to affordable and quality childcare and early education, and the strengthening of family and community for Minnesota's first people.

Equity and Inclusion:

The entire purpose of this funding is to assist in eliminating or reducing inequities for American Indian people and to provide access to programs and services that contribute to the health and wealth of our populations while maintaining our cultural traditions and identities.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

The Council is governed by the Minnesota Tribal Nations. The Executive Council meets quarterly with our staff and the full board to share information and discuss relevant issues and priorities of the tribal governments and people. MIAC has long been a facilitator of tribal state relations and has had a significant impact on relationship development. This position will further enhance communication, coordination and consultation between tribal and state government. MIAC has participated in numerous collaborative initiatives including the Human Service Leadership Forum (a partnership between the tribal nations, Association of MN Counties, and DHS), Opioid Epidemic Litigation Response Work Group, Cultural and Ethnic Communities Leadership Council, MN Historical Society American Indian Advisory Group, among others to promote the tribal voice and serve as a reminder to not exclude them.

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	53	76	76	76
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	53	76	76	76
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$53,000 in FY 2024 and \$76,000 in each subsequent year from the general fund to maintain the current level of service delivery at the Minnesota Indian Affairs Council (MIAC).

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For the MIAC, hiring decision have been delayed, offsetting rising costs in other areas. However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For MIAC, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain our current staff complement in a challenging labor market, and increasing IT costs. If an operational increase is not provided, the services MIAC delivers to Minnesotans will be impacted. Some examples of potential impacts include:

- Decreased capacity to host MIAC and Urban Indian Advisory Board meetings
- Limited ability to travel to communities in greater Minnesota regions

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. The funding will cover MNIT service increase in costs due in part to an increase in staffing, increase in rent for our Bemidji and St. Paul offices, and to fully support the MIAC quarterly board meetings and Urban Indian Advisory Board quarterly meetings.

MIAC has witnessed an increase in tribal state relations in recent years causing the need for an additional day for the MIAC board meeting. The addition of a third day increases cost for rental space to host the meeting, per diem, travel, and accommodations for staff and executive council members. In addition, MIAC supports the Urban Indian Advisory Board, a six-person advisory council to our executive council, as outlined in Minnesota Statutes 3.922 Subd. 8 and increases costs for rental space, travel, and accommodations. Lastly, the MIAC board

chair and Urban Indian Advisory Board has recommended MIAC to host the annual American Indian Day on the Hill to ensure a pathway for tribal voices to be heard at the Minnesota state legislature.

Impact on Children and Families:

This budget proposal builds on the governor’s vision of a One Minnesota where children and families are priority. American Indian children have the highest educational achievement gap in the state, the highest out of home placement, and American Indians are disproportionately represented in all other disparities including mental and chemical health. With the addition of this position, MIAC will have the ability to consult with tribal governments and American Indian agencies to advocate for programs and services that will provide the best outcomes for our nations and people. MIAC advocates for housing stability and resources, revitalization of our Dakota and Ojibwe languages, access to affordable and quality childcare and early education, and the strengthening of family and community for Minnesota’s first people.

Equity and Inclusion:

The request will support MIAC agency in addressing inequities for American Indian people and to provide access to programs and services that contribute to the health and wealth of our populations while maintaining our cultural traditions and identities.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

The Council is governed by the Minnesota Tribal Nations. The Executive Council meets quarterly with our staff and the full board to share information and discuss relevant issues and priorities of the tribal governments and people. MIAC has long been a facilitator of tribal state relations and has had a significant impact on relationship development. An increase in our general fund will further enhance communication, coordination and consultation between tribal and state government. MIAC has participated in numerous collaborative initiatives including the Human Service Leadership Forum (a partnership between the tribal nations, Association of MN Counties, and DHS), Opioid Epidemic Litigation Response Work Group, Cultural and Ethnic Communities Leadership Council, MN Historical Society American Indian Advisory Group, among others to promote the tribal voice and serve as a reminder to not exclude them.

Results:

This proposal is intended to allow **MIAC** to continue to provide current levels of service and information to the public. With this funding MIAC can achieve the following results:

1. Maintain and enhance tribal state relations through hosting MIAC and Urban Indian Advisory Board meetings.
2. Organize and executive the annual American Indian Day on the Hill.
3. Afford increased MNIT costs for MIAC offices and staff.
4. Maintain essential staff to fulfill our legislative and moral obligations.
5. Maintain MIAC offices in Bemidji in St. Paul.

Indian Affairs Council

FY 2024-25 Biennial Budget Change Item

Change Item Title: Support the Office of State Archaeologist and Implement Private Cemeteries Act Update

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Department of Administration				
Expenditures	200	200	200	200
Revenues	0	0	0	
Minnesota Indian Affairs Council				
Expenditures	300	300	300	300
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	500	500	500	500
FTEs	3	3	3	3

Recommendation:

The Governor recommends additional funding of \$500,000 in FY 2024 and each subsequent year from the general fund to Support the Office of State Archaeologist (OSA) and Implement Private Cemeteries Act, which will include a fiscal impact for the Minnesota Indian Affairs Council (MIAC). \$300,000 per fiscal year is for MIAC to implement changes to the Private Cemeteries Act.

Rationale/Background:

The OSA collaborates with state agencies, political subdivisions, Tribal governments, archaeological professionals, students, and the general public with archaeological site protection, archaeological education, and archaeological research. The OSA is currently receiving more requests to review and discuss proposed development projects and un-platted cemetery sites than the office can accommodate. The office reviewed 138 projects in FY 2017, compared with 409 reviews in FY 2022. The volume of other OSA service requests has also steadily increased each year. For example, the number of archaeological licenses issued annually has increased from 78 in FY 2017 to 324 in FY 2022.

Minnesota Statutes, section 307.08 (the Private Cemeteries Act) directs how the OSA and MIAC address human burials, burial grounds, and cemeteries over 50 years old found outside of recorded cemeteries or un-platted graves or burials found within recorded cemeteries. This statute usually comes into play when:

- Development is proposed near a known or suspected burial or cemetery,
- Burials are accidentally disturbed during construction or earthmoving, or
- Someone purposefully disturbs a burial or cemetery

M.S. 307.08 has not been substantively changed or updated since 2007. To reflect best practices and commonly accepted ethics surrounding the treatment of sacred cemetery sites, human burials, and human remains, the OSA and MIAC, in collaboration with the Tribal Historic Preservation Officers (THPOs), are proposing changes to M.S. 307.08. A key update to the statute is ensuring that state law complements and does not conflict with the federal Native American Protection and Repatriation Act [NAGPRA], 25 USC Ch. 32 that federal agencies and institutions receiving federal funds must follow. Other changes include modernizing terminology, creating memorandums of understandings (MOUs) between MIAC and the OSA, more closely aligning state statute with federal law, and giving MIAC site access so they can more effectively manage known and suspected American Indian cemetery and burial sites.

Proposal:

The Governor recommends \$200,000 in FY 2024 and ongoing to support the demand for OSA’s services and to implement the proposed changes to M.S. 307.08. These changes will require additional staff to coordinate and carry out condition assessments, develop MOUs, update fieldwork and cemetery sites manuals to reflect MOUs, update the OSA website, conduct project reviews, examine OSA site files for accuracy, and update OSA records. The proposed changes also necessitate updating OSA’s technological capabilities including tools used in the field and the associated training, databases, and software.

The Governor also recommends \$300,000 in FY 2024 and ongoing for 2 FTE to implement MIAC’s increased responsibility for cemetery assessments from these policy changes. In addition, this funding would support increased IT costs, cost for larger office space, equipment and travel expenses directly associated with American Indian burial assessments.

Impact on Children and Families:

Appropriately preserving cemetery sites shows that the state respects all Minnesotans.

Equity and Inclusion:

This proposal will not directly reduce inequities for protected classes, but it will codify the authority of MIAC in assessing cemetery sites. This proposal better aligns state statutes with federal law in which Congress recognized that human remains of any ancestry "must at all times be treated with dignity and respect." Admin and MIAC collaborated with Tribal Historic Preservation Officers and Tribal Nations on the proposed changes.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

These proposed changes impact all Tribal governments in Minnesota by clarifying the interaction of state law with the federal Native American Graves Protection and Repatriation Act. MIAC’s authority for cemetery assessments will also be codified. The MIAC Cultural Resources Team and OSA meet regularly on these issues. This work has also expanded and enhanced the OSA/MIAC online portal facilitating much better communication on key projects as well as greater tribal access to data.

Results:

The OSA began tracking specific measures in FY 2016. We use this information to evaluate the office’s performance quarterly. Specifically, we follow the number of:

- projects reviewed;
- site forms reviewed;
- reports received;
- licenses issued; and
- archaeological and cemetery sites recorded in the state.

This historical data illustrates the increasing demand for OSA services and overall workload. Based on data from FY 2016 through FY 2022, current trends indicate that all of OSA’s measures are increasing. For example, in FY2016 the OSA reviewed 101 projects, while in FY 2022, the office reviewed 409 projects. In addition to increasing project reviews, the number of reports the office receives and the number of site forms we review (187 site forms reviewed in FY 2016 and 445 in FY 2022) has also increased significantly. If current trends continue, the number of project reviews will increase by 26%, and the number of site forms reviewed will increase by over 15%

annually. Because state and federal laws require cultural resources reviews on public land, this trend is expected to increase dramatically with the passing of the federal infrastructure bill.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	Development projects reviewed during the fiscal year	409	FY 2022	400	515	FY 2024
Quantity	Number of archaeological licenses issued for work on non-federal public land	324	FY 2022	325	400	FY 2024
Quantity	Number of archaeological site forms processed and the total number of recorded archaeological sites in the OSA's files	445	FY 2022	445	520	FY 2024

Statutory Change(s):

M.S. 307.08.