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State Of Minnesota

Indian Affairs Council



1999

Annual Report

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**Minnesota Indian Affairs
Council**

**1999 Annual
Report**

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SURVIVING IN THE 20TH CENTURY

A SNAPSHOT OF 1997 NATIVE AMERICA

"The utmost good faith shall always be observed towards Indians: their lands and property shall never be taken from them without their consent." Congress, 1789

"This administration intends to restore tribal governments to their rightful place among governments." Ronald Reagan, 1983

"It is now time when you deal with an Indian tribe to deal with their tribal government in the same spirit that you deal with the governors and the states." Secretary of the Interior, Bruce Babbitt

♦ ♦ ♦

By all statistical measures, American Indians are among the poorest people in the country. They have some of the most pressing economic and social needs. Despite the historic trust agreement with the U.S. government, tribes must provide for their members' health, education, housing, and social welfare requirements.

- ♦ There are 2 million American Indians living in America today and 575 federally recognized tribes.
- ♦ 38 percent of Indians 6 to 11 years old live below the poverty level, more than twice the number of the average U.S. citizen.
- ♦ 16 percent of Indian males and 13 percent of Indian females, 16 years and older are unemployed as compared to 6 percent for average Americans.
- ♦ The suicide rate for 15 to 24 year-old Indians is more than twice that of any other American or ethnic group.
- ♦ 45 percent of Indian mothers have their first child under the age of 20. This is more than double the rate for any other ethnic group.
- ♦ Indians die younger than any other segment of the population. 13 percent of Indian deaths are under the age of 25. This compares to 4 percent of the U.S. population.
- ♦ The alcoholism death rate for Indians ages 15-24 years old is more than 17 times the comparable rate for other Americans.
- ♦ Homicide is the second leading cause of death among Indians 14 years old and younger and the third leading cause of death for Indians 15-24 years old.

In the past decade, some tribes have begun to provide for their communities and build a better future for their children. Tribes are getting off welfare rolls and onto their own payrolls because of new tribal economic diversification.

However, the success of some tribes has generated new myths that tribes are getting rich from these new ventures, particularly gaming. Less than one-third of the federally recognized tribes have gaming operations. The fact is these tribes are using these revenues to pay for what the government has promised, yet never delivered.

There has been a frustrating series of efforts in the most recent sessions of Congress to strip tribes of their sovereign rights, impose new and unfair taxes, slash federal funding to health, education, and community service programs. Tribal governments now face unprecedented hostile legislative amendments that would take away sovereign immunity and mandate means testing for federal funding. This newest assault is occurring while other state or local governments are not means-tested and are already guaranteed jurisdictional respect.

Tribes are banding together to establish a voice and presence in the nation's Capitol. Indian people and their tribal governments are sacrificing much needed resources to protect their Constitutional rights.

As a result of Constitutional provisions, treaty obligations, hundreds of federal statutes, and dozens of legal decisions it has been established that American Indian tribes have a unique legal relationship with the United States government.

Tribal governments are now demanding that the 105th Congress and the Clinton administration fulfill their commitment to American Indian tribes by upholding the trust relationship. Indians are rejecting decades of failed federal Indian policies and programs and are clearing a path to a more secure future of self-sufficiency and self-determination.

TABLE OF CONTENTS

	<u>PAGE</u>
COUNCIL DESCRIPTION AND BACKGROUND INFORMATION.....	1
VISION STATEMENT.....	1
MISSION.....	1
MINNESOTA INDIAN AFFAIRS COUNCIL – AT-LARGE MEMBERSHIP	1
URBAN INDIAN ADVISORY COUNCIL.....	1
INDIAN AFFAIRS COUNCIL MEMBERS	2
EXECUTIVE BOARD	2
URBAN ADVISORY COUNCIL.....	2
GOVERNOR’S OFFICE.....	3
EX-OFFICIOS – SENATE.....	3
EX-OFFICIOS – HOUSE OF REPRESENTATIVES.....	3
COMMISSIONERS.....	3
LIAISONS FROM STATE AGENCIES TO MINNESOTA INDIAN AFFAIRS COUNCIL	4
THE DUTIES OF THE MINNESOTA INDIAN AFFAIRS COUNCIL	4
INDIAN AFFAIRS COUNCIL STAFF.....	5
BEMIDJI OFFICE – HEADQUARTERS	5
ST. PAUL OFFICE – LEGISLATIVE PROGRAM.....	6
ORGANIZATIONAL CHART.....	7
MAP OF MINNESOTA INDIAN RESERVATIONS.....	8
DESCRIPTION OF MINNESOTA INDIAN RESERVATIONS.....	9
MINNESOTA CHIPPEWA TRIBE (MCT).....	9
<i>Elections</i>	9
<i>Membership</i>	9
Bois Forte (Nett Lake)	10
Fond du Lac.....	11
Grand Portage	12
Leech Lake	13
Mille Lacs.....	15
White Earth.....	16
Red Lake	17

TABLE OF CONTENTS

	<u>PAGE</u>
THE DAKOTA COMMUNITIES	20
Lower Sioux	20
Prairie Island	21
Shakopee Mdewakanton	22
Upper Sioux	22
DEMOGRAPHICS	24
AMERICAN INDIAN POPULATION ON RESERVATIONS: 1980, 1990, 1993.....	24
COUNTIES WITH AMERICAN INDIAN POPULATION OF 1,000 OR MORE – 1990 CENSUS.....	25
UNITED STATES RESIDENT POPULATION CENSUS	25
<i>Total American Indians and Alaskan Natives</i>	25
STATISTICS FROM THE DEPARTMENT OF HUMAN SERVICES ON AMERICAN INDIANS	26
<i>Child Welfare</i>	26
<i>Minnesota Family Investment Program (MFIP)</i>	26
<i>Health Care</i>	26
<i>Chemical Dependency (CD)</i>	26
POLICY ISSUES.....	27
FAMILIES	27
POVERTY	28
EDUCATION.....	28
EMPLOYMENT	28
<i>1996 Average Unemployment Rates for Minnesota Reservation</i>	29
CHEMICAL DEPENDENCY	29
OTHER ISSUES	29
VIOLENCE.....	30
CRIME	30
INDIAN AFFAIRS COUNCIL SPECIFIC PROGRAMS.....	31
CULTURAL RESOURCE PROGRAM	31
<i>Minnesota Native American Reburial Project (MNARP)</i>	31
<i>Native American Graves Protections and Repatriation Act (NAGPRA)</i>	31
INDIAN BUSINESS LOAN PROGRAM	32
INDIAN ECONOMIC OPPORTUNITY PROGRAM.....	33
<i>Activities</i>	34
<i>Goals and Objectives of the Indian Economic Opportunity Program</i>	34
SPECIAL PROGRAMS.....	34

TABLE OF CONTENTS

	<u>PAGE</u>
INDIAN AFFAIRS COUNCIL BUDGET: FY 1999	36
2000 – 2001 BIENNIAL BUDGET.....	37
1999 LEGISLATIVE SESSION FINAL REPORT	

1999 Annual Report

November 1999

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 the official 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 urban Indian communities. The Council administers four 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.

Minnesota Indian Affairs Council -- At-Large Membership

The two at-large members on the MIAC Board of Directors represent American Indian tribal members that are not from a Minnesota-based tribe, but are residents of Minnesota. There are over twenty different Indian nations represented by residents living in Minnesota from out of state tribes. The issues that urban American Indians face everyday are similar to tribal issues, but these needs are generally addressed through community service programs. Unemployment, education, housing and health are just a few of the issues that are addressed by the Council's at-large members.

Urban Indian Advisory Council

The Urban Indian Advisory Council (UIAC) is appointed by the MIAC Board of Directors and is an active subcommittee of the Indian Affairs Council. The purpose of the UIAC is to advise the Board on the unique problems and concerns of Minnesota Indians who reside in urban areas within the State. As subscribed by Minnesota Statute 3.933, Subdivision 8, the composition of the UIAC shall be five Indians enrolled in Minnesota-based tribes and at least one member shall reside in the vicinity of Minneapolis, St. Paul, and Duluth. The UIAC meets every other month in various urban areas.

Indian Affairs Council Members

Executive Board

Chairman: Chairman Bobby Whitefeather Red Lake Band of Chippewa Indians P. O. Box 550 Red Lake, MN 56671 Phone: (218) 679-3341 Fax: (218) 679-3378	Vice-Chairman: Chairman Norman Deschampe Grand Portage Reservation P. O. Box 428 Grand Portage, MN 55605 Phone: (218) 475-2279 or 79 Fax: (218) 475-2284	Secretary: Loretta Gagnon, At-Large Member St. Paul Public Schools 1028 Van Slyke Ave. St. Paul, MN 55103-1095 Phone: (651) 293-5191 Fax: (651) 293-5193
Treasurer: Chair Doris Isham Bois Forte Reservation P. O. Box 16 Nett Lake, MN 55772 Phone: (218) 757-3261 Fax: (218) 757-3312	Member: Chairman Robert "Sonny" Peacock Fond du Lac Reservation 1720 Big Lake Rd. Cloquet, MN 55720 Phone: (218) 879-4593 Fax: (218) 879-4146	Member: Chairman Eli Hunt Leech Lake Reservation Route 3, Box 100 Cass Lake, MN 56633 Phone: (218) 335-8200 Fax: (218) 335-8309
Member: Chief Executive Officer Marge Anderson Mille Lacs Band of Chippewa HCR 67, Box 194 Onamia, MN 56359 Phone: (320) 532-4181 Fax: (320) 532-4209	Member: Chairman John Buckanaga White Earth Reservation P. O. Box 418 White Earth, MN 56591 Phone: (218) 983-3285 Fax: (218) 983-3641	Member: Chairman Roger Prescott Lower Sioux Community RR#1, Box 308 Morton, MN 56270 Phone: (507) 697-6185 Fax: (507) 637-4380
Member: President Audrey Kohnen Prairie Island Mdewakanton Community 1158 Island Blvd Welch, MN 55089 Phone: (612) 385-2554 1-800-554-5473 Fax: (612) 388-1576	Member: Chairman Stanley Crooks, Sr. Shakopee-Mdewakanton Community 2330 Sioux Trail, NW Prior Lake, MN 55372 Phone: (612) 445-8900 Fax: (612) 445-8906	Member: Chairman Dallas Ross Upper Sioux Community P. O. Box 147 Granite Falls, MN 56241 Phone: (320) 564-3853 Fax: (320) 564-2547
At-Large Member: Harlan La Fontaine P. O. Box 141128 Minneapolis, MN 55414 Phone: (612) 721-4246 Fax: (612) 721-0435		

Urban Advisory Council

Chair: David Glass 800 Arlington Ave., W St. Paul, MN 55117 Phone: (651) 488-2327 Fax: (651) 488-8383	Vice Chair: Valerie Sheehan Rm 110 - Public Service Ctr 250 South 4th St. Minneapolis, MN 55415 Phone: (612) 673-3028 Fax: (612) 673-2108	Member: Roy James Roberts The City 1535 E. Lake St. Minneapolis, MN 55407 Phone: (612) 724-3689 Fax: (612) 724-0692
Member: Georgia Lickness 16410 So. 23rd St. Lake St. Croix, MN 55043 Phone: (651) 736-6208 Fax: (651) 737-9665	Member: George Himango 3705 No. 87th Ave. West Proctor, MN 55810 Phone: (218) 624-0766 Fax: (218) 723-4164	

Governor' Office

Diane Drewry

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Ex-Officios - House of Representatives

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Commissioners

Sheryl Ramstad-Hvass Dept. of Corrections 1450 Energy Park Dr. St. Paul, MN 55108 Phone: (651) 642-0282 Fax: (651) 642-0414	Katherine Hadley Minnesota Housing Finance 400 Sibley Street St. Paul, MN 55101 Phone: (651) 296-5738 Fax: (651) 296-8139	John Swift Iron Range Resources & Rehab. Board Hwy. 53 South P.O. Box 441 Eveleth, MN 55734 Phone: (218) 744-7400 Fax: (218) 744-7403
Jan Malcolm Dept. of Health Golden Rule Bldg. 85 East 7th Place, Suite 400 St. Paul, MN 55101 Phone: (651) 296-8401 Fax: (651) 215-5801	Gerald Carlson Trade & Economic Development 500 Metro Square 121 East 7th Place St. Paul, MN 55101 Phone: (651) 296-9706 Fax: (651) 296-4772	Christine Jax Dept. of Children, Families, & Learning 1500 Hwy. 36 W. Roseville, MN 55113-4266 Phone: (651) 582-8204 Fax: (651) 582-8724
Michael O'Keefe Dept. of Human Services 444 Lafayette Rd. St. Paul, MN 55155 Phone: (651) 296-2701 Fax: (651) 296-5868	Allen Garber Dept of Natural Resources 500 Lafayette Rd., Box 37 St. Paul, MN 55155 Phone: (651) 296-2549 Fax: (651) 296-4799	Janeen Rosas Dept of Human Rights Army Corp of Engineers Centre 190 East Fifth St., Suite 700 St. Paul, MN 55101 Phone: (651) 296-5665 Fax: (651) 296-1736

Liaisons from State Agencies to Minnesota Indian Affairs Council

Lou Fuller, Director Office of Minority Health Metro Square Bldg. #260 121 E. 7th Place St. Paul, MN 55101 Phone: (651) 296-9799 Fax: (651) 296-9362	Gary Gorman Department of Human Rights 500 Bremer Tower 7th & Minnesota St. St. Paul, MN 55101 Phone: (651) 296-5675 Fax: (651) 296-9064	Donna Fairbanks MN Housing Finance Agency 400 Sibley St., #300 St. Paul, MN 55101 Phone: (651) 297-4060 Fax: (651) 296-8292
Vern LaPlant Department of Human Services 444 Lafayette Road St. Paul, MN 55155-3815 Phone: (651) 296-4606 Fax: (651) 296-5868	Mark Siemers Department of Corrections 2nd Fl.-1450 Energy Park Dr. St. Paul, MN 55108 Phone: (651) 642-0361 Fax: (651) 642-0223	Tim Glines Minnesota Historical Society 345 W. Kellogg Blvd. St. Paul, MN 55102 Phone: (651) 297-7913 Fax: (651) 296-1004
Yvonne Novak Indian Education 1500 Hwy 36 W. Roseville, MN 55113-4266 Phone: (651) 582-8838 Fax: (651) 582-8879	Robert Clouse Anthropology Department Minnesota Historical Society Ft. Snelling, MN 55111 Phone: (651) 726-1171 or (651) 297-4701 Fax: (651) 725-2429	Bruce Borgh Department of Economic Security 390 N. Robert St. St. Paul, MN 55101 Phone: (651) 296-1826 Fax: (651) 297-5343

The Duties of the Minnesota Indian Affairs Council

The duties of the MIAC are as follows:

- ◆ Clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota.
- ◆ Assist the Secretary of State in the election of at-large members of the Council.
- ◆ Make recommendations to members of the legislature on desired and needed legislation to benefit the State's American Indian communities. Communicate to members of the legislature when legislation has or will have an adverse effect on Indian communities.
- ◆ The Council is an effective conduit to the legislature for programs, proposals and projects submitted by tribal governments, organizations, committees, groups or individuals.
- ◆ Provide a continuing dialogue with members of the Tribal Governments.
- ◆ Assist in establishing American Indian advisory councils in cooperation with state agencies that deliver services to Indian communities.
- ◆ Assist state agencies in defining what organizations or individuals are eligible for delivery of their respective services.
- ◆ Assist in providing resources in the delivery of services to the statewide American Indian community.
- ◆ Acts as a liaison between local, state and national units of government in the delivery of services to the American Indian population of Minnesota in both rural and urban communities.
- ◆ Acts as a conduit for interaction between government bodies and elected tribal officials.
- ◆ Act as intermediary, when requested, between Indian interests and state agencies when questions, problems or conflicts exist or arise.
- ◆ Provide assistance to private and public programs in meeting the needs of American Indian citizens of Minnesota.
- ◆ Work in collaboration with state and local agencies to assist American Indian citizens with issues of discrimination and racial prejudice.

Indian Affairs Council Staff

Bemidji Office – Headquarters

Joseph B. Day

Executive Director

Joe is an enrolled member of the Leech Lake Band of Chippewa and has served as the Executive Director of the Indian Affairs Council since November 1994. Prior service includes 3 years as the NE Regional Administrator for the Department of Natural Resources 1991-1994 and 9 years as liaison between the 11 tribal governments and the DNR to encourage collaborative resources management. He also served as Director of Administration for the Minnesota Chippewa Tribe for 6 years. Joe graduated from DeAnza College in Cupertino, California in the discipline of Industrial Technology-Quality Control.

Jim Jones, Jr.

Cultural Resource Specialist

Jim is an enrolled Leech Lake Pillager Band Member. His work history includes the Natural Resource Conservation Service, US Forest Service, Minnesota Department of Natural Resources, Leech Lake Reservation, and other Minnesota Chippewa Tribes including the Red Lake Nation. Before coming to the Council, Jim was part owner and one of the general managers for the 100% Indian-owned and operated firm All Nations Cultural Resource Preservation.

Jim enjoys hunting, fishing, ricing and gathering natural foods. He is the proud father of three boys, William, Charles, and Baby Jim, along with four loving stepchildren. In his spare time he enjoys making pottery and working on his jewelry and has recently learned to make birch bark canoes. Jim and his family live in Bemidji, Minnesota.

Katherine Pemberton

Economic Opportunity Specialist 3

A life-long resident on the Leech Lake Reservation, Kathy is an enrolled member of the White Earth Reservation. She has been on the staff of the Minnesota Indian Affairs Council for the past seventeen years providing information and technical assistance to the 11 reservation governments. Her prior experiences include the Minnesota Department of Economic Security as a community liaison representative managing an employment service sub-office at Leech Lake Reservation. Kathy also worked for the Leech Lake Reservation as a junior accountant and Bemidji State University as a talent search counselor.

Laura Theroux*Indian Business Loan*

Laura, a recent addition to the Indian Affairs Council staff, has twenty years of experience in providing management and technical assistance to Indian-owned and minority firms in the State of Minnesota. A graduate of Northwest Technical College in 1979, Laura was selected "Outstanding Graduate of the Year in 1984. She holds a degree in accounting and began her career in the accounting office of the Minnesota Chippewa Tribe. Her tenure at the Tribe spanned 7 years and several promotions to BIA Credit Officer and Project Director of the Indian Business Development Center. Laura is co-founder of the Minnesota American Indian Chamber of Commerce, former past Vice-president and now Director Emeritus. She has also served on the State of Minnesota's Urban Initiative Board and Small Business Procurement Advisory council looking out for the interests of Indian-owned businesses. Laura's family is from the Turtle Mountain Reservation in North Dakota. Her grandfather, James Simon Longie, also known as Chief Blackbird, was instrumental in Laura's decision to move to the "North Country" from Minneapolis after high school and to seek employment on the reservation.

June Kendall*Secretary*

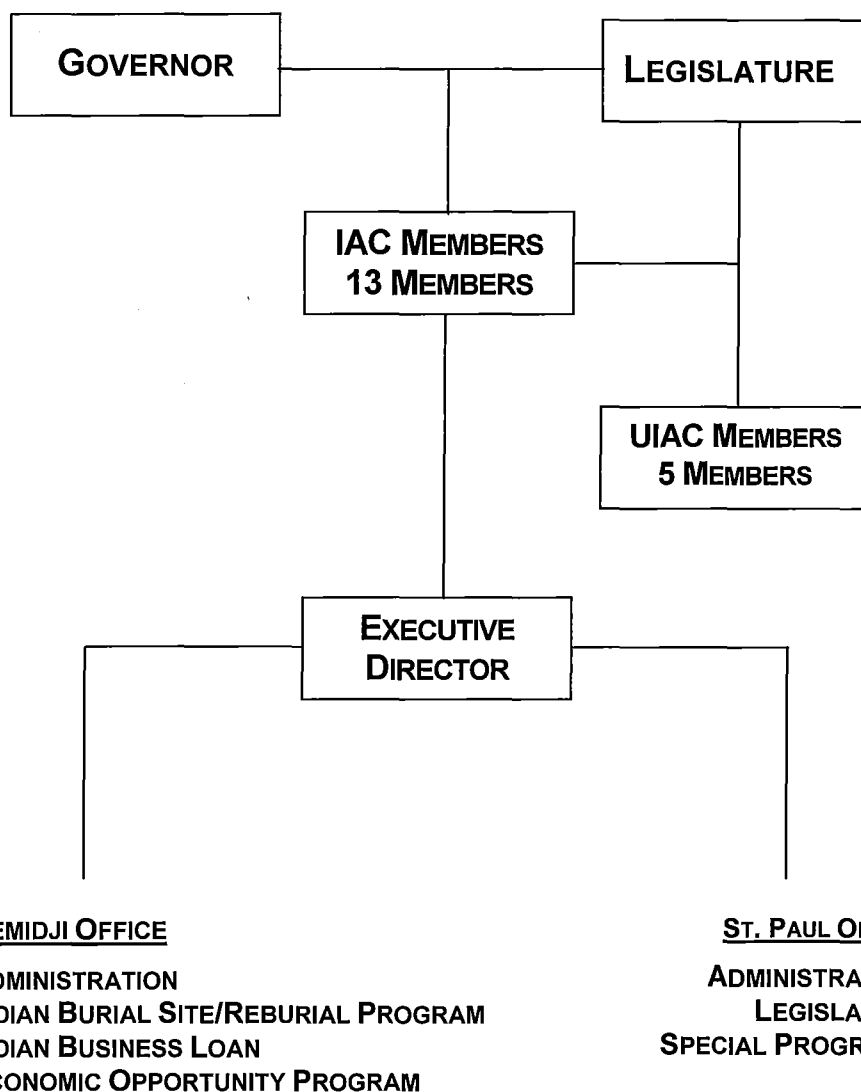
June is an enrolled member of the Bois Forte Band of Chippewa. She spent much of her life in Maryland where she worked as a Proposal Support Specialist for a telecommunications firm in McLean, Virginia. She moved to Minnesota in 1993. Before joining the staff of the Indian Affairs Council, June worked as a temporary secretary at various companies in the Minneapolis area.

St. Paul Office -- Legislative Program**Sharon Romano***Staff Assistant*

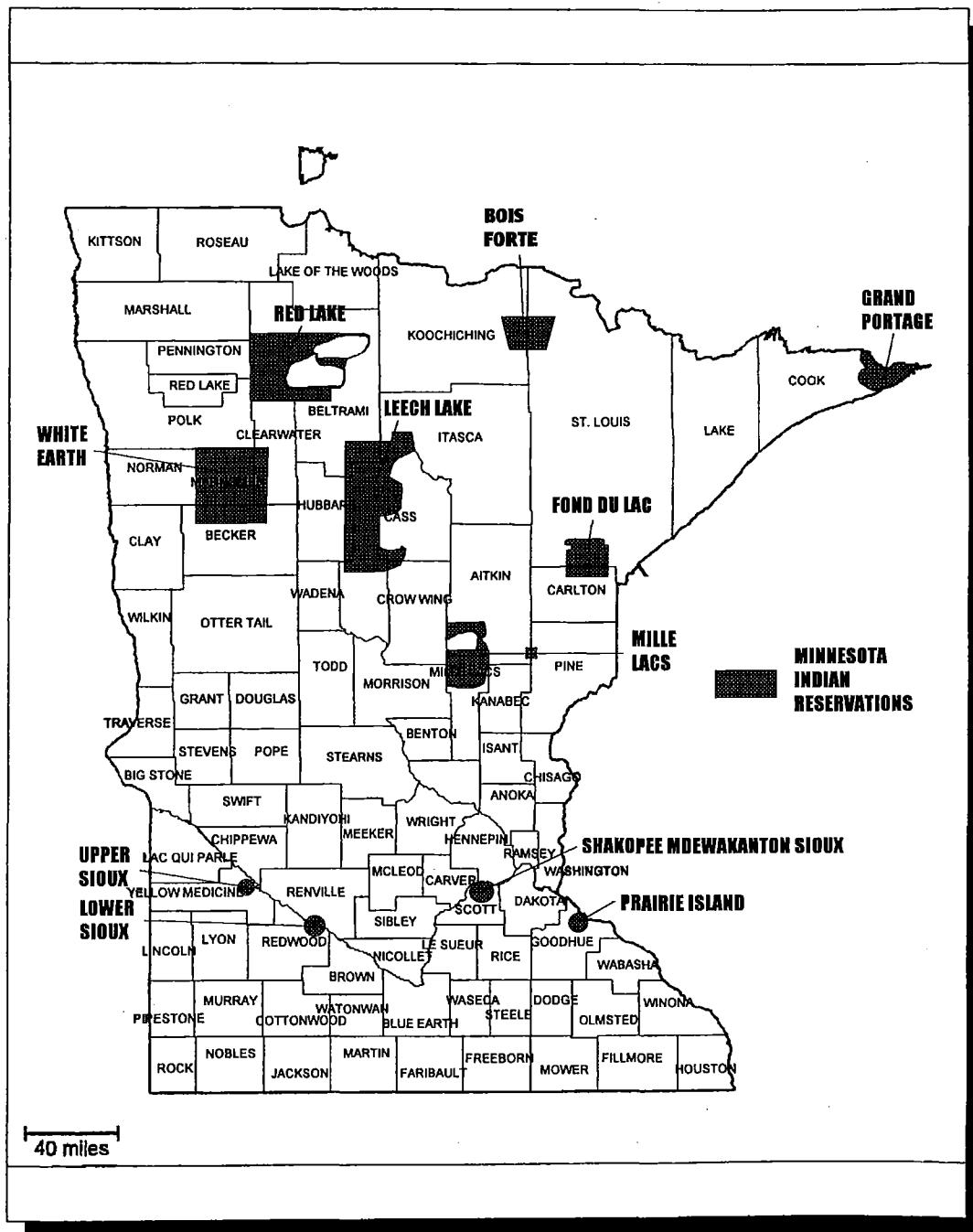
Sharon (Fairbanks) is an enrolled member of the White Earth Anishinabe Nation. She has been the Staff Assistant for MIAC since January 1995. Sharon's educational background includes an AA from Metropolitan Community College and a BA from Augsburg College in Human Relations and Communications. Before joining the staff of the MIAC she was employed at Anoka-Ramsay Community College as the Director of the Indian Services program and Multicultural Affairs office. She also worked for the Minnesota Chippewa Tribe in the Minneapolis Branch office as a Career Education Specialist and Office Manager.

Organizational Chart

MINNESOTA INDIAN AFFAIRS COUNCIL 1999



Map of Minnesota Indian Reservations



Description of Minnesota Indian Reservations

Minnesota Chippewa Tribe (MCT)

The MCT Constitution governs over 35,000 enrolled members of the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, White Earth reservations, and Mille Lacs Band. The governing body of the MCT is the Tribal Executive Committee (TEC), which is composed of the chairman and secretary-treasurer of each reservation, 12 members in all. From among this group, they elect a president, vice-president, secretary, and treasurer.

Elections

The MCT Constitution and By-laws govern elections for the six reservations. The reservation governing body consists of a chairman, a secretary-treasurer elected at large, and one to three committeemen elected by district. Terms are for four years on a staggered basis with elections every two years. To be elected, an individual must be enrolled in the MCT, reside on the reservation of enrollment, and be 21 years or older. Voting is open to member's 18 years and older. Absentee voting is provided for in the constitution with voters designating the district where they last resided for 30 days or more. It requires a majority, greater than 50%, of the votes to win. This interpretation was accepted by the TEC in 1996 and resulted, for the first time in primary elections, to narrow the field to two candidates. Previously the TEC had ruled that "majority" had meant the one candidate receiving the most votes cast, even though less than 50%.

The Constitution can be revoked by an Act of Congress or amended or revoked by a majority vote of all MCT members at an election called for that purpose by the Secretary of the Interior, provided that at least 30% of those entitled to vote participate. Amendments take effect only if approved by the Secretary of the Interior. A request by two-thirds of the TEC can force the Secretary of the Interior to call an election.

Membership

When the tribal government began in 1936, an Enrollment Committee was established which worked through the Reservation Councils. The Committee prepared the list of who qualified for the annuity roll. This roll, as of April 14, 1941, is the basis of current MCT membership. Those who qualified were on the 1941 membership roll, children of those members born between 1941 and 1961 who applied for membership by 1962, and children of members born after 1961 with at least one-fourth MCT Indian blood (which can be mixed ancestry from the different MCT reservations) who apply within a year after birth. They cannot be enrolled in another tribe and American citizenship is required. While the Tribe defines membership, the governing body of each reservation determines its own enrollment, subject to the Tribe's ratification. Denial of membership can be appealed to the Secretary of the Interior. Adoptees that have placed outside of the Indian community can be enrolled without revealing family names.

Bois Forte (Nett Lake)

Bois Forte was the French name for the Indians living in the most impenetrable, fortress-like forest in the Rainy River watershed of Northern Minnesota. They were a part of the northern group of Ojibwe who moved inland from the Grand Portage area in the early fur-trading era going first to the mouth of the Vermilion River, then Rainy Lake, and Lake of the Woods. In 1824, there was mention of a permanent village on Lake Vermilion. Long after United States independence, the Bois Forte continued trading with the British and did not participate in the early United States treaties. In the 1854 Treaty, their first, an undefined reservation was set aside near Lake Vermilion while a large portion of north central Minnesota remained in Indian hands. It was the 1866 Treaty, designed to take control of the northern mineral lands, which took the remaining lands and established the reservation at Nett Lake and a township at Deer Creek. By Executive Order in 1881, a special reserve was created at Lake Vermilion. The reservations lands were allotted following the 1889 Nelson Act, however the government did not make a serious attempt to get the Bois Forte Indians to move to White Earth. Many Bois Forte members share extended families with the Ojibwe in Canada.

The reservation is heavily forested with beautiful stands of pine, aspen, cedar, birch, ash, and other species of timber. It provides excellent wild life habitat. Four independent Indian logging firms do business on or near the reservation. Based on forest types, it is estimated that over 50% of the land is wetland. Nett Lake, covering 7,300 acres, is considered the largest wild rice producing lake in the United States. It is the reservation's most important lake. In 1987, a dam was built to help control the water level.

The Bois Forte Reservation includes three divisions. Around Nett Lake, 103,000 acres in St. Louis and Koochiching Counties, are the homesites to the majority of the population of

Nett Lake, Indian Point, and Sugar Bush. An area of some 1,000 acres on Lake Vermilion, located in St. Louis County, and 23,000 acres in Deer Creek Township, located in Itasca County, has no population. Nett Lake is 40 miles south of Canada.

The community of Nett Lake contains the tribal headquarters, a convenience store and filling station, and health clinic. The Nett Lake Education Center combines the elementary school, Head Start, day care, social services, and youth and community center. The elementary school is a state public school, authorized by special legislation. The high school students go to school in Orr.

The Indian community at Lake Vermilion has a family resource center, Ze Zha Wus So, providing day care and Head Start services, family education programs and community services as well as an outpatient health clinic. Fortune Bay Casino & Resort is a high stakes casino that opened in 1986. The 118 room Fortune Bay Resort Hotel and Conference Center opened in 1996 and is home to Minnesota's largest working fireplace. To accommodate these facilities, major work has been done to develop roads and install a new water and waste system.

The elected Bois Forte Tribal Council governs the Bois Forte Band, a member of the Minnesota Chippewa Tribe. The legal jurisdiction of the band is unique. Either the Tribe or the Federal Government enforces criminal law, while the Tribe and State adjudicate civil jurisdiction. In 1995, the Tribal Council under the Self-Governance law contracted with the BIA to administer their own programs. As a participant in the 1854 Treaty ceding the Arrowhead region of Minnesota, the Tribe retains hunting and fishing rights through that area. The 1854 Authority handles enforcing tribal codes for the area jointly with Grand Portage. The reservation provides some services for the International Falls Indian community, which include minimal health care with a doctor, and a commodity food distribution program.

Fond du Lac

Fond du Lac was named by the French for the Indian village at the end of Lake Superior, at the mouth of the St. Louis River. In 1665, a Dakota village was located there, according to Jesuit Missionaries. By 1767, Ojibwe were mentioned in the area with a permanent village reported in 1783 by Jean Baptiste Cadotte. Within ten years, it had become the NorthWest Fur Company district headquarters. When John Astor and the American Fur Company took over the British firm in 1816, they built a new fort and trading post about 20 miles up the St. Louis River, where the current Fond du Lac Reservation is located. In 1820, 375 people lived at the trading post, but by 1832 the trading center had moved inland to Sandy Lake, and the population at Fond du Lac declined dramatically to 193 people.

Fond du Lac people were of the Southwestern Ojibwe that had lived on the southern shore of Lake Superior around LaPoint, Wisconsin, before moving into Minnesota. A part of the Lake Superior Band of Chippewa, the Fond du Lac Band was involved in all of the early treaties affecting lands in Minnesota and Wisconsin. At the time of the 1854 Treaty, its land was ceded and the reservation established. A population of 700 was reported.

The reservation is located in St. Louis and Carlton counties, adjacent to the City of Cloquet on the east, with Duluth 20 miles to the northeast.

The Fond du Lac Reservation Business Committee is the tribal governing body. The chairman and secretary-treasurer are elected at large. The three districts are Cloquet, where tribal headquarters are located, and the communities of Brookston and Sawyer. The reservation is a part of the Minnesota Chippewa Tribe. Criminal and some civil jurisdiction on the reservation were transferred to the State of Minnesota under Federal Law (PL-280). Other civil jurisdiction remains with the Tribe. In 1997, the Tribe was engaged in negotiations with the Federal Government to assume control of BIA programs under the Self-Governance Law. Conservation codes are enforced for the reservation and the

1854 Treaty area, by tribal game wardens and courts. The Tribe is a participant in the 1837 Treaty case. The Tribe has its own automobile license plates. Fond du Lac negotiated the first general revenue bond issued to an Indian tribe for funds to expand their clinic. The Tribe charges a license tax on major businesses located on the reservation.

A new building to house tribal government, community sports, and social activities was opened in 1997. There are also community centers at Sawyer and Brookston. The Tribe purchased a resort on the reservation with plans to develop a tribal recreation area. The Tribes natural resource management division has a building located in Cloquet. The human service and health clinic programs operate from the Min-No-Aya-Win Health Clinic, which underwent major expansion in 1996. The health program is tribally-run and services are contracted from Indian Health Service. The Tribe also operates a similar Indian health program in Duluth, through the Center for American Indian Resources (CAIR). The Tribally run Fond du Lac Group Home for juveniles is located between Duluth and Cloquet. Sawyer is the location of Mash-Ka-Wisen, the nation's first Indian-owned and operated residential, primary treatment facility for chemical dependency.

The reservation is divided among four Minnesota public schools districts. The Tribe has a Head Start program and operates the Ojibwe School, K-12. Transportation to the school is provided for Duluth students. The unique Fond du Lac Tribal/Community College with a 150-bed dormitory is both a tribal college and a state community college.

The Fond du Lac Tribe operates two casinos. The Tribe and the City of Duluth cooperated in building and sharing in the profits of the Fond du Luth Casino. It is the only casino in Minnesota built on land originally not part of a reservation. A deserted block in downtown Duluth was purchased by the Tribe and placed into trust by the BIA. After the passage of the National Indian Gaming Act, the State was given a voice in this type of transaction. Fond du Luth Casino is on

East Superior St., in Duluth. The Black Bear Casino located at the junction of Highway 210 and Interstate Highway 35, and offers food service, entertainment, and a gift shop. The adjacent 158 room Black Bear Hotel, opened September 1, 1995, has a swimming pool, childcare center, and meeting rooms and connects to the casino by a skywalk. The Black Bear Casino and Hotel make the Tribe the second largest employer in Carlton County.

Grand Portage

The Grand Portage Reservation, located in Cook County at the extreme northeastern tip of Minnesota, encompasses a historic fur trade site with spectacular northwoods Lake Superior shoreline. The reservation extends about 18 miles along the lakeshore and from nine miles to a quarter mile inland. The community of Grand Portage is the location of the tribal buildings and homesites. Grand Marais is the closest city, 36 miles to the southwest. Duluth is 150 miles to the south and Thunder Bay, Canada is 37 miles to the north.

The name Grand Portage comes from the nine-mile portage necessary to bypass the cascading waters of the Pigeon River to get inland to the lakes and rivers leading to the fur-rich areas of northern Minnesota. By the 1730's the Ojibwe, in their migration along the northern shore of Lake Superior, arrived at Grand Portage. The French record of fur trade over the portage began in 1731. The British took over in the 1760's and the North West Company built the post at Grand Portage by around 1785-87. Some 150 Ojibwe families lived in the vicinity of the post. In 1803, the British company moved to Canada, Fort William which is now known as Thunder Bay. The Indian community that provided services and trade at the Grand Portage continued working with the British in Canada. The population in America declined. In 1824, Schoolcraft reported 60 people. For a while in the 1830's the American Fur Co. used Indian people to operate a commercial fishing station at Grand Portage. It did not last long. To this day close ties continue

with the Ojibwe in Canada since the border often splits extended families.

The Grand Portage Indians were members of the Lake Superior Band but were not participants in the early Ojibwe treaties with the United States. They protested being ignored in the 1842 Treaty when Isle Royale was ceded and they then received annuity rights. In the 1854 Treaty they ceded their lands in the Arrowhead region of Minnesota and accepted the Grand Portage reservation. During the allotment era, no serious attempt was made to relocate the people to White Earth.

The Grand Portage Tribal Council is the governing body of the reservation and is a member of the MCT. In 1996, it entered the Self-Governance Program by contracting to administer its own programs from the BIA. The State is responsible for criminal and some civil jurisdiction. The Tribe established its own court in September 1997. It collects its own sales tax. The Tribe, working with the local residents, the State, and the Environmental Protection Agency, established a Land Use Ordinance for the reservation that was approved in 1996. This ordinance designates areas of land use according to tribal priorities for wildlife habitat, timber production, and protection of the resources for recreational purposes. A primitive area had been set aside in an eastern portion of the reservation in 1956. The hunting and fishing rights of tribal members in the ceded lands of the 1854 Treaty are regulated under the Tribal Code and enforced by the 1854 Authority.

The community at Grand Portage contains the tribal headquarters, a community store, and the Trading Post, as well as other tribal businesses. The Gitchi Onigaming Community Center was built in 1994 that offers a wide variety of recreational activities, a swimming pool, a senior center, a teen center, a computer room, library, and powwow grounds. The center also provides services for day care and Head Start programs. A log school building has provided the elementary school in Grand Portage since the 1930's. In 1997 a new school for student's K-6th grade was opened and linked to the community center. As a

state public school operating under special legislation, the new facility will be leased to the Cook County Public School system. The old school building, the only log school in Minnesota, will become a museum for the Tribe. The students go to junior and senior high school in Grand Marais. The community has its own health clinic, ambulance service, and volunteer fire department.

The Grand Portage Development Corporation was established in 1971 to spur education on the reservation. Their most successful operation, is the Grand Portage Lodge and Casino, opened in 1975. It has provided an ever-increasing source of employment for band members and income for the Tribe. The hotel is located on the shore of Lake Superior, off Highway 61. It has 100 rooms and conference facilities, an indoor pool, and gift shop. The reservation has over 100 miles of hiking trails, a marina, and campgrounds. The casino opened in 1990 and expanded in mid-1990. Eighty percent of their customers come from Canada and is the largest employer in Cook County. The tribal sawmill and chipping mill employ about 20. Some of the Indian people work as loggers and commercial fishermen. Off-reservation employment is at Grand Marais and Thunder Bay, Canada.

The Grand Portage area has several other attractions for tourists. The Grand Portage National Monument, built on reservation land, features the reconstructed fur trade fort of the 1700's. The original portage trail to historic Fort Charlotte on the Pigeon River is operated by the National Monument. From the bay, ferries take visitors out to Isle Royale National Park 19 miles out in Lake Superior.

Grand Portage State Park located on the Pigeon River has made the great falls accessible to the public. It opened in 1995. In a unique relationship, the Nature Conservancy and private donations purchased 2.5 miles of land along the river. The State acquired the land, donated it to the Tribe, then the Tribe leased it back to the State to operate as a state park. The agreement provides that staff positions should be held by

those with significant knowledge of Indian culture, preferable knowledge of the Grand Portage Band. (Laws of MN for 1989, Chap 359, Subd 27a, Sect 7-11).

The 300 year old Manito Geezhigaynce, a twisted cedar known as the little spirit cedar tree, is located on the north side of Hat Point on a stone ledge. This tree has great significance to many generations of Grand Portage Indians and boatmen on Lake Superior. The land with the tree was offered for sale in 1987. A group was formed and \$100,000 was raised to buy the land for the Tribe in 1990. To protect their heritage, the Grand Portage Indian community requires that to visit the tree, there must be a tribal guide. The Grand Portage Tribe is a sponsor of the John Beargrease Sled Dog race from Duluth to Grand Portage and back. It is in honor of John Beargrease, a Grand Portage member, who from 1887 to 1899 delivered the mail from Two Harbors to Grand Marais. Depending on the weather conditions, he would hike, come by boat and in the winter by dog sled.

Leech Lake

In the 1600's, the Dakota Indians had communities at Leech lake. The Ojibwe bands moved into the region during the mid-to-late 1700's. The first Ojibwe settlements were on small islands on Leech Lake. This area in north central Minnesota was the home of the Mississippi and Pillager Ojibwe bands. In 1847, treaties took sections on the southwest corner of their lands with the Mississippi and Pillager bands from the Menominee and Winnebago tribes that were to be moved from Wisconsin. The remaining land was ceded by treaty in 1855 that established the reservation. The 1864 Treaty expanded and consolidated the reservation in the area of the three lakes. The intent at that time was to have the other Minnesota Ojibwe bands move to the Leech Lake area. By 1867, the plan was changed and White Earth Reservation was created to be the home of all Ojibwe people. The area of the Leech Lake Reservation was reduced by executive orders however, in 1873 and 1874 added land.

Located along US Highway 2, the reservation is southeast of Bemidji with Walker just outside on the southwest corner. Cass Lake is the largest community within the reservation. Eleven communities make up the reservation. In addition to Cass Lake, there are Ball Club, Bena, Inger, Onigum, Mission, Pennington, Smokey Point, Sugar Point, Oak Point, and Squaw Lake. Oak Point had previously been known as Squaw Point but was renamed in 1995. The reservation is split among four counties, Cass, Itasca, Beltrami, and Hubbard and is divided among seven Minnesota school districts.

Drained by the headwaters of the Mississippi River, the area is generally swampy. With some 40 wild rice producing lakes, it has the largest natural wild rice production of any of the State's reservations. The land is mostly second growth. The Leech Lake Tribe holds the smallest percentage of its reservation of any of the state's tribes. County, state, and federal governments owned well over half of the original land. Of the 677,099 original acres, 212,000 acres are surface area of the three big lakes. Of the remaining 465,000 acres, other levels of government own 332,804 acres. The National Chippewa Forest has the largest portion of the land. Seventy-five percent of the National Forest is within the reservation.

The Leech Lake Tribal Council is the governing body with their offices in Cass Lake and is a member of the MCT. In the early 1990's, the Tribe contracted with the BIA to operate programs under self-governance procedures as one of the second groups of ten tribes allowed into the pilot project. The State is responsible for criminal and some civil jurisdiction over Indians on the reservation. The Leech Lake Tribe issues its own automobile license plates.

The smaller communities have facilities for community events and services such as medical clinics and programs for elders. The people have organized their own community councils to give a political voice to their concerns. Health services are provided at the IHS hospital and clinic in Cass Lake and clinics in the other communities. If care that is more extensive is needed, the hospitals in

neighboring cities are used. The Tribe operates a halfway house and an ambulance service, however, fire protection is from neighboring communities. In 1995, the Tribe began a burial insurance program for all enrolled members.

Education and programs for children are provided by two tribally run childcare facilities, Head Start programs in seven communities and the kindergarten through twelfth grade Bug-O-Nay-Ge-Shig tribal school. The Tribe sponsors and provides funding for the Leech Lake Tribal College that began in 1990. The college is located in Cass Lake and offers AA degrees with credits transferable to Bemidji State University and other higher education institutions.

In the first major hunting, fishing, and wild rice rights cases in Minnesota, the Tribe confirmed that it had the right to control these activities on the reservation. The State pays the Tribe for its restraint in using the reservation's resources. In addition, the State conservation officers are deputized by the Tribe to enforce tribal natural resource codes.

The Tribe operates two gaming enterprises. The Palace Bingo & Casino in Cass Lake and Northern Lights Gaming Emporium four miles south of Walker. The Palace has a restaurant and offers many events. In 1996, the Palace Hotel, with 80 rooms and indoor pool, was built adjacent to the casino. The casinos have made the Tribe the largest employer in Cass County.

For many years, the Tribe has operated the Che-wa-ka-e-gon complex comprising of a service station, the Che-We restaurant, a convenience store, and a gift shop. A nearby retail center, built by the Tribe, houses Indian-run business and provides incubator services until they are successful enough to go out on their own. Included in this service is a pizza parlor, Dairy Queen, a barber shop, and a tribally-run office supply store. An embroidery business was successful enough to move out on it's own in 1995. A motel, restaurant, and marina were purchased by the Tribe and are now being run under a lease agreement as Shingobee Inn. The Tribe also has an Indian-run archaeology firm, the

Leech Lake Archaeological Company. State funding and management arrangements are being made to build the Battle Point Cultural Center near Sugar Point. It is the site of two ancient burial mounds and the last Indian – US Army conflict which took place in 1898.

Mille Lacs

To the Anishinabe or Chippewa who lived along its southwestern shores, Lake Mille Lacs and the surrounding land has a special significance. This part of Minnesota – where the seasons of the year bring cycles of great beauty to the Lake and the land – has been the setting of their history for more than two centuries. For miles in every direction, there is hardly a place untouched by some large or small event from their past. While the Mille Lacs Lake region is now a famed fishing and resort area, to the Anishinabe or Chippewa, it is a place where the past touches the present and connects their life with the people who came before and left a rich tribal heritage.

While they no longer live as their ancestors did, they are a people who have kept the tribal heritage at the core of their life. Their present life is a blend of their own culture and the culture of the larger society that surrounds them. Today, they are a people well known for their understanding and use of tribal knowledge, customs, beliefs, and practices that gave meaning to the life of their ancestors and gives meaning as well as to their own.

The ancestors of all these people were members of Anishinabe or Chippewa bands who made their homes in Minnesota in the 18th century. At that time, each band or group carried on its own political, economic, and cultural life, although close ties existed between those living in the same general area.

In the 19th century, when white settlement and development of Minnesota threatened their existence, the Anishinabe leaders in the Mille Lacs region were pressured to cede their lands to the United States government and relocate on lands to other parts of the State. Some Band leaders

decided to move while others refused to leave the places where their people had lived for generations. By the early 20th century, federal Indian officials referred to these groups as the Non-Removal Mille Lacs Chippewa Band. This distinguished them from Band members who had resettled earlier on White Earth and other Chippewa reservations in the State.

The Non-Removal Mille Lacs Band members are the descendants of people who simply loved their homelands too much to leave them behind. Through their self-reliance and courage and persistence of their leaders, they survived harsh treatment at the hands of white developers and settlers who transformed their forest lands into lumbering towns, dairy farms, and later, recreational fishing and tourist centers. They also regained a tiny portion of their homelands, which now collectively makes up the Mille Lacs Reservation.

In one way or another, nearly everything about the present day life of the Mille Lacs people – their cultural life, the tiny land base on which they are building a new future for their people, their relations with outsiders and state and government officials – has been influenced by the past. An understanding of their history is essential to any understanding of their present life and provides a portrait of a people who stood against the currents of American history unfolding in the State of Minnesota and won a measure of justice for themselves and the generations following in their footsteps.

The Mille Lacs Reservation is located in east central Minnesota. The tribal headquarters is near Onamia, Minnesota. The reservation was established by the 1855 Treaty. The Tribe owns approximately 16,000 acres of land located within four townships on the south end of Mille Lacs Lake. Additional communities exist in Aitkin and Pine counties and three islands. The reservation has a community center, schools, clinic, museum, casino/hotel complex and Government Center. The Band includes 2,906 enrolled members. Of those, 1,094 are age 21 or younger. Between the ages of 22 and 54 there are 1,540 and 272 are Tribal Elders age 55 and older.

The purpose of the tribal government of the Mille Lacs Band is to promote the general welfare of its citizens by establishing duties, responsibilities and procedures for the conduct of domestic and external affairs. For many years, the Band operated under a single agency form of government known as the Reservation Business Committee (RBC). However, the Band determined that a separation of power, similar to that employed by the United States federal government, would be a more effective and responsible way to run the reservation.

White Earth

The White Earth Reservation, in northwestern Minnesota, is named for the white clay at White Earth Village. Never the historic homeland of any Ojibwe group, it became a reservation in 1867 in a treaty with the Mississippi Band of Ojibwe. It was to be the home of all of the Ojibwe in the state. The reservation was the size of a full county, 36 townships square, although divided among the three state counties of Mahnomen, Clearwater, and Becker. The land is typical of central Minnesota. Indian communities include White Earth, Pine Point/Ponsford, Naytahwaush, Elbow Lake, Beaulieu, Rice Lake, and Ebro. Other villages were built along the railroad track running south to north in the western part of the reservation, Callaway, Ogema, Waubun, and Mahnomen.

With the 1867 Treaty, great pressure was put on the bands to get them to move. Mississippi Band members from Gull Lake were the first group to come and settle around White Earth Village in 1868. The 1920 census reflected those who had settled in White Earth: 4856 were from the Mississippi Band including 1,308 from Mille Lacs, the Pillager Bands had 1,218, Pembina Band 472, and 113 had come from Fond du Lac of the Superior Band.

The different bands tended to settle in different areas of the reservation. Mille Lacs Lake members moved to the northeastern part of the reservation, around Naytahwaush and Beaulieu. Pillager Band members settled around Pine Point

in the southeast. After 1873, Pembina Band members from the Red River Valley moved into a township on the western side of the reservation. A community of half-breeds, with a greater interest in taking up European ways, concentrated in the Village of White Earth where the government agency was located. These various groups of Indians, with their different backgrounds and cultures, continue to add a diversity of interests to the reservation today.

The Dawes Act of 1887, Nelson Act of 1889 along with the subsequent Rice Commission negotiations and the two Clapp Amendments, 1904 and 1906, enabled the rapid division of the reservation into individually held parcels, allowing individuals to sell their lands and with many schemes to defraud. The timber was sold and cut and much of the land quickly passed into non-Indian ownership. In the decades since, there were several commissions and court actions to find out what happened.

Four townships in the northeast corner also diminished the White Earth Reservation by the Nelson Act. The implications for hunting and fishing rights have had several court challenges. For the loss of the four townships, the agreement was to allow White Earth to trap and rice within the Tamarac National Wildlife Refuge. Tribal land holdings were increased by over 28,000 acres of sub-marginal land, acquired by the federal government during the depression, and transferred to White Earth by 1975. The White Earth Land Settlement Act (WELSA) required transferring 10,000 acres of state/county held land to the Tribe that occurred in the 1990's. White Earth has relatively very little allotted land still remaining in trust, reflecting the destructive land-grabbing history of the reservation. Enrolled members, however, hold significant amounts of privately owned fee lands, 33,250 acres in 1995. These are lands that pay property taxes, and equal about one-half of the reservation's trust property.

The White Earth Tribal Council is the governing body and the Tribe is a member of the MCT. White Earth Village is the location of the tribal headquarters, the IHS clinic, (which underwent a five-fold expansion in 1995), the

Circle of Life K-12 tribal school, and a senior's housing project and center. Because of the widely scattered settlement pattern on the reservation, government services, social programs, Head Start and day care are provided at four other centers, Nay-tah-waush, Pine Point, Rice Lake, and Elbow Lake. There is an additional Head Start at Waubun and health stations at Nay-tah-waush and Ponsford. Hospitals are in communities off the reservation and in Mahnomen, where the Tribe helped with funding equipment.

Seven Minnesota public school districts serve Indian children: Bagley, Detroit Lakes, Fosston, Mahnomen, Park Rapids, Waubun, and Nay-tah-waush. The White Earth Community Service Center serves as a recreational building, swimming pool and gymnasium, built as a part of the Nay-tah-waush High School. The center is operated by the Tribe and on tribal land that has been leased to the school district. The Pine Point School, K-8, is a part of the State system, that was allowed to become an Indian experimental school in 1969. Under special legislation, the Tribe administers it. Criminal and some civil jurisdiction of Indians is provided by the state. The Tribe has a conservation court and is working to develop its own criminal code and enforcement system with police and court enforcement.

The White Earth Reservation is in an area of especially severe continuous unemployment. The Tribe's Shooting Star Casino and Hotel in Mahnomen has been a successful operation and is the largest employer in Mahnomen County. The land had not been in trust, and with the legal confusion about the federal government's ability to accept more trust land, the casino has continued to pay property taxes. There is a 224-room hotel with swimming pool, arcade, entertainment, and a full range of food service options. There is also a RV park. A great deal of investment in infrastructure has been required, resulting in expanded water and waste treatment facilities, telephone systems, and highway development.

As a community development project, the Manitok Mall was built as a part of the casino complex. It has shops and day care facilities for

those coming to the casino. The Tribe also owns and operates the Ojibwe Building Supplies and Forest Products in Waubun, retailing wood products and also serving as a reservation job-training center. There are also two other tribally owned businesses and they are the White Earth Garment Manufacturing Co. and the Manitok Wild Rice.

Red Lake

During the French period of the fur trade, the Dakota had a major village at Red Lake. It was around 1796 that the Ojibwe settled along with the British North West Co. and a fur trading post established in 1806.

The Red Lake Band, through treaties and agreements in 1863 (amended 1864), 1889, 1892, 1904, and 1905 gave up land but never ceded the main reservation surrounding Lower Red Lake and a portion of Upper Red Lake. This unceded land is spoken of as the "diminished" reservation and "aboriginal" land. It is 407,730 acres. In addition, there are 229,300 acres of surface water area on both the lakes.

Tribal leadership during the late 1800's and early 1900's skillfully resisted allotment legislation and held the land intact for the Tribe as a whole. Today the Tribe's Independence Day, July 6th is in honor of the courage of their chiefs in resisting allotment during the negotiations of the 1889 Nelson Act. Only one other tribe in the United States also resisted allotment, the Warm Springs Tribe in Oregon. When land that had been ceded but not sold was returned after 1934, this restored land amounted to 156,696 acres. It included 70% of the Northwest Angle of Minnesota, as well as lands scattered between the reservation and the Canadian border. The total land area controlled by the Tribe, 564,426 acres, is about the size of Rhode Island. The land is located in nine different counties. The Tribe has jurisdiction to regulate hunting and fishing on the original, diminished lands, and the ceded lands that were returned. The remainder of the ceded areas, not held by the Tribe, is under state jurisdiction.

The tribal government has full sovereignty over the reservation, subject only to federal legislation specifically intended to deal with Red Lake, which makes it a "closed" reservation. The Tribe has the right to limit who can visit or live on the reservation. It has never been subject to State law. The Red Lake tribe withdrew in 1918 from the General Council for the Chippewa, intended to bring all Ojibwe into one tribal structure, and continued to maintain its own identity separate from the MCT. There are many legal and program differences between Red Lake and the other state reservations. The Tribe has its own constitution providing for elected officials representing the four reservation areas and a participating council of hereditary chiefs. While the federal government is responsible for major criminal matters, as specified in federal law, the Tribe has jurisdiction in all other criminal matters. Its court has full jurisdiction over civil and family court matters. In 1997, the Tribe began administering its own programs under a Self-Governance Contract with the BIA. The police became a tribal responsibility at that time.

The reservation is located in northwestern Minnesota. It completely surrounds Lower Red Lake, the State's largest lake, and includes a major portion of Upper Red Lake, the State's fourth largest lake. Bemidji, the closest city, is 35 miles to the south. Thief River Falls is over 70 miles west. The land is slightly rolling and heavily wooded, with 337,000 acres of commercial forestland under management. There are lakes, swamps, peat bogs, and prairies, with some land on the western side suitable for farming. The main population areas are in Beltrami and Clearwater counties.

The four reservation communities are the villages of Red Lake, Redby, Ponemah, and Little Rock. Red Lake Village is the location of the tribal headquarters, newly built in 1996. The tribal court, the BIA Agency office, Red Lake School, (K-12th grades, operates as a regular state public school) are located in the village of Red Lake. Other facilities located in the village are a modern IHS hospital, the Jourdain/Perpich Extended Care Facility for the elderly, a center for activities and nutritional program for the elderly. Other

community buildings include the Humanities Building that houses the Head Start program, a swimming pool and other recreational and group facilities. The main powwow grounds are in the village.

Redby, also on the south shore of Lower Red Lake, is further east. During the logging era, Redby was the city at the end of the railroad line. A small amount of Indian land went into private ownership there at that time. Fourteen property tax payers remain. Redby has a community center and is the site of Red Lake Forest Products, the tribal sawmill, and the Red Lake Fisheries Association processing plant. The fish hatchery and tree nursery are located in the community as are an adolescent group home and a chemical dependency treatment facility.

Ponemah, near the end of the peninsula separating Upper and Lower Red Lakes, is the home of very traditional members. It has a community center, an elementary school, Head Start, a health clinic, programming for elders, and powwow grounds, which were built in 1994.

The Little Rock area is to the west of Red Lake. It has a community center and an Indian-owned store. The reservation staffs an ambulance service, a fire department, and sanitation service. It is the first reservation in Minnesota to build an archives-library program to preserve tribal records and historical material.

Employment on the reservation is very limited, resulting in high unemployment rates. Expanding the economic base has high priority. Governmental services provide employment. Timber management, operating a tree nursery for replanting, and logging provide some employment. The Tribe operates a sawmill, producing lumber. Red Lake Fisheries Association, Inc., a cooperative begun in 1929, has about 300 fishermen-members, with up to 500 catching fish during the season. They process the fish and fillet them for sale either fresh or flash-frozen. A farm was purchased on the southwest corner of the reservation in 1994 and the Tribe has continued with its paddy rice operation. A

pilot project to grow cranberries was started in 1997. Gravel is also sold commercially.

The reservation has its own ambulance service, fire department a, and sanitation service. Solid waste disposal is done at a recycling, incineration facility, SWIScorp, in Thief River Falls. The Tribe has a 20% ownership of the operation. Red Lake Builders, tribally-owned, does reservation building, road construction, and other construction work off the reservation. In 1987, the Tribal Red Lake Retail Center was built in Red Lake village. It offers needed services. Indian-owned stores sell groceries gasoline, auto parts and repair, hardware, a take-out food shop, laundromat, and video store. There is also a retail center at Ponemah with groceries and gasoline.

The Tribe has three casino operations, built on trust land funded and managed by the Tribe. There is a modest operation in the Humanities Building in the village of Red Lake. River Road Casino, located seven miles south of Thief River Falls just off Highway 59, has 13,000 sq. ft of gaming, 10 blackjack tables, 279 slots. Lake of the Woods Bingo & Casino are at Warroad with 16,000 sq. ft of gaming, 10 blackjack tables, 270 slots other video games and bingo. Each provides food service. The Tribe purchased and operates the Lake of the Woods Motel, a 60-room facility with a restaurant, bait shop, and a launch service adjacent to the casino. Because of the limited housing available in the area, the Tribe has purchased two apartment buildings for employees.

The Dakota Communities

A few Dakota did not leave following the 1862 war. Most had fled or were taken as prisoners and were living on reservations in Nebraska (Santee), South Dakota (Flandreau, Sisseton), North Dakota (Devils Lake), Montana (Fort Peck), or escaped to Canada.

By the 1880's, a few Mdewakanton Dakota Indians had returned to their homelands. A special census in 1883 counted 237 scattered throughout southern Minnesota at 14 different locations. By the mid-1880's the federal government was being urged to do something to provide homes for these people, primarily Mdewakanton Dakota. A federal law was passed in 1885 to provide some money for the purchase of land for those who had been in the State by October 1, 1883. More money was appropriated in 1885. In 1888 the date of residency in Minnesota was raised to May 20, 1886 (25 Stat 228), and additional money was made available in 1889 and 1890. Most of the current trust land was added under the IRA in the 1930's

Lower Sioux

The Lower Sioux Indian Community is located on the south side of the Minnesota River at the site of the U.S. Indian Agency and the Bishop Whipple Mission, a part of the original reservation established in the 1851 Treaty. It is in Redwood County, two miles south of Morton and six miles east of Redwood Falls. Across the river is the Birch Coulee battle site of the 1862 Sioux War. The Community, for purposes of determining membership and qualifying for some services, has a service area 10 miles beyond the actual trust lands.

In the 1883 census, six families were reported at Redwood. Good Thunder came from Flandreau, South Dakota and in 1884 purchased 80 acres at the Lower Sioux community. Charles Lawrence bought the adjacent 80 acres. Within a few years a little colony joining them including a few other Dakotas who had been able to survive in Minnesota, protected by Alexander Fairbault. A 1936 census report 20 Mdewakanton families, 18 families from Flandreau, South Dakota, and one Sisseton, South Dakota, family.

The land is primarily rich agricultural land in the river flood plain and the wooded bluffs behind. The community was built on the hillside and uplands. It centers around the tribal offices, a new community center, Tipi Maka Duta (the Lower Sioux Trading Post), and St. Cornelia

Episcopal Church built in 1889 and now on the National Register of Historic sites. St. Cornelia's is built on land donated by Good Thunder. It has been the recent site of reburials of Kaota people whose remains had been held by museums and universities. The Minnesota Historical society has an interpretive center in the area, explaining the 1862 battles.

The Lower Sioux Community Council is elected and operates under an IRA constitution. The State exercises criminal and some civil jurisdiction on the reservation. The tribal court was organized in 1993. It deals with civil cases including contract law and workers' compensation cases as well as tribal governance matters. Social programs and community health services are administered by the Tribe, funded by various governmental programs and the Tribe. Tribally funded health insurance policies cover the medical costs for resident members as well as tribal and casino employees. Redwood Falls and Wilmar hospitals are used.

Redwood Falls is the public school for the community Indian children. In response to parental concern about their children's education, an Indian-focused charter school was formed at Morton. The Tribe provides financial help to any member wishing to get further education beyond high school.

Until the mid-1980's the Tribe had very limited funds and there were hardly any

opportunities for employment on the reservation. Government programs, operated by the Tribe, were the major source of employment. Since 1972 the Tribe has been manufacturing hand thrown, hand painted, traditional Dakota pottery. This still continues and is sold at Tipi Maka Duta, the Lower Sioux Trading Post along with other gift items. The Tribe generates additional revenue from leasing a gravel pit.

A major bingo facility, Jackpot Junction opened in 1984. Building on this, it was expanded to a casino on the signing of the State compact in 1989. The Tribe then went to court to force another state compact allowing blackjack. A management firm and later a consulting firm were used to start operations and then the Tribe took over. Jackpot Junction casino has 57 blackjack tables, 1,200 slots and other video games, offers a variety of food services and has nightly entertainment. A gas station and convenience store built in 1991 are adjacent to the casino. The Tribe owns the nearby Dakota Inn Motel with 122 rooms and swimming pool, an RV park, and a six-story hotel with convention center was built in 1996.

Prairie Island

The Prairie Island Indian Community is located on Prairie Island, which is formed where the Vermillion River joins the Mississippi. It is about 14 miles from Red Wing Minnesota with Welch Minnesota mailing address. The land is low-lying and about half of the community property is in a flood plain. The island is shared with Northern States Power Company's nuclear electric generating plant and the US Army Corps of Engineers' US Lock and Dam No.3.

Long before the Europeans came, the island was important to the Dakota people. In 1695, Pierre Charles LeSueur established a fort on Prairie Island. After the disruption of 1862, several Mdewakanton Dakota families gradually returned. In the 1883 census, only two families were reported at Red Wing. Under the land purchase laws of the 1880's-1890's, and again

under the IRA, land was acquired for the community.

The Prairie Island Community Council is a member-elected government. The State has responsibility for criminal and some civil jurisdiction. The Prairie Island Mdewakanton Dakota Tribal Court was established in 1994. It rules on tribal law and sovereignty issues and exercises broad civil jurisdiction including children's cases and wage garnishments. The City of Red Wing, without tribal consent, incorporated Prairie Island in their city. This enabled them to collect taxed from the NSP facility.

Treasure Island Resort and Casino is the tribal casino. It was expanded to 153,000 sq. ft in 1993 and a 250-room hotel and convention center, costing \$20 million, opened in 1996. The casino is designed as a tropical paradise with warm humid breezes and a forty-foot wall waterfall. It provides 60 blackjack tables, 1,500 slots, a variety of eating options, live entertainment, a RV park, a 137 slip marina to accommodate visitors arriving by the Mississippi River, and sightseeing and dinner cruises on their river boat. Treasure Island had begun as a bingo operation in 1984. The original investor and management company was bought out and a subsequent management firm contract was terminated. Since 1990, the Tribe has managed the casino itself.

Casino profits have been reinvested in the expansion and have been used for roads and water and sewer systems. A community center, built for \$6.5 million, provides a meeting area, kindergarten, licensed day care and facilities for tribal government. Students attend schools in the Red Wing School District. The Tribe's educational programs include financial support for advanced education. Programming and congregate dining for elders is at the casino. A health clinic funded by the Tribe and IHS bring Mayo Clinic family physicians to the reservation two and half days a week. Tribally paid health insurance provides coverage to tribal members as well as casino employees. The nearest hospital is at Red Wing.

Living next to an atomic energy power plant that has needed to find storage for radioactive wastes has been very difficult for the Indian community. The Tribe needs more land, as members are anxious to return to their homeland to find employment. The presence of the nuclear fuel has made many members fearful and families with young children are not willing to move to the reservation because of possible health effects from radiation exposure.

Shakopee Mdewakanton

The Shakopee-Prior Lake area was historically home to Mdewakanton Dakota. After the removal in 1862-63, families gradually returned in the 1880's. In the 1883 census, there were 11 families, (47 individuals) at Shakopee. Under the land purchase laws of the 1880's-1890's, land was acquired for community members. In 1936 when the Dakota communities were forming IRA approved government, the Shakopee Mdewakanton group was considered too small to form a separate government and was included in the Lower Sioux. No land was added at that time. In 1960, the BIA counted ten Indians. In 1967, there were 4-5 families.

Although the 258 acres of land in trust consisted of undeveloped, rolling farming lands, the location was close to the Twin Cities, 25 miles from downtown Minneapolis, and provided desirable home sites for people. In 1969 the community organized as a separate government with nine members voting on the new constitution. Shakopee Mdewakanton Sioux community is in Scott County, just south of Shakopee on Highway 833. In 1972, the City of Prior Lake incorporated the reservation into that city. When the city attempted to deny services and voting rights to the Indian residents (because they did not pay property taxes), the Tribe took them to court. The court ruling, upheld by the US Supreme Court, was that this was illegal.

The governing structure of this community is unique. All members over 18 constitute the tribal council. They in turn select a business council to run the reservations affairs. By the 1970's, tribal

leaders began taking advantage of the community's power to govern their own lands. Early enterprises included providing tree burning services, which were not allowed in Minneapolis and selling cigarettes without paying state taxes. In October 1982 Little Six Bingo Palace, offering big bucks bingo, was opened. Gaming became an unbelievably successful business. Following federal legislation clarifying legal issues and the state-tribal compacts that followed, the complex known as Mystic Lake was developed. It is the second most financially successful Indian casino operation in the United States with over 18,000 customers every day. The casino originally involved outside investment and management, but since 1985 it has been tribally owned and operated. The Tribe has delegated all financial operations to Little Six, Inc. which operates the casino and manages other investments for the Tribe

Upper Sioux

This land we call Pejuhutazizi Kapi (the place where they dig for yellow medicine) has been the homeland of the Dakota Oyate (Nation), for thousands of years. They have always occupied this area bordering the Minnesota River Valley, with the exception of a short period of time in the late 1800's following the U.S./Dakota Conflict of 1862. At that time, the Dakota were exterminated, forcibly removed to reservations located elsewhere, or voluntarily fled to avoid harm.

Many Dakota died during those difficult years. Some of those who survived the forced removal defied the state and federal governments by not remaining on the assigned reservations located outside of Minnesota, but rather chose to return to their ancient homelands in the Minnesota River Valley.

In 1938, 746 acres of original Dakota lands in Minnesota were returned to the people, and the Upper Sioux Indian Community came into existence. Provisions for governing the Upper Sioux Community were adopted, and a Board of Trustees was elected to carry out the

responsibilities identified in these Provisions. In 1995, the provisions were modified and the governing document is now called the Constitution of the Upper Sioux Community.

Since its formal designation as an Indian community, Upper Sioux has struggled with poverty, substandard housing, inadequate health care, and the subtleties of racism. Tribal leaders continually strive to improve the standard of living and the quality of life on the reservation. The population was small, and Upper Sioux's share of program monies from the federal government was minimal, yet elected tribal leaders still managed to provide "bare-bones" programs in housing, health care, and education. Through the 1970's and 80's, conditions improved very little, despite many vocal supporters, both Indian and non-Indian, and the struggle for survival continued on the small tract of land along the Minnesota River.

By the late 1980's, the legal standing of tribes as sovereign nations had been acknowledged in the highest federal courts. In 1990, following these court decisions, the Upper Sioux Community did as many other tribes had done--exercised their rights as a sovereign nation to capitalize on a financial opportunity by building and opening Firefly Creek Casino.

In the years since, this business has helped to revitalize and energize the Upper Sioux Community, allowing them an opportunity to obtain economic independence. They are finding ways to preserve their dignity, our culture and our traditions, free from the burden of meeting basic survival needs.

The Reservation tribal headquarters is located five miles south of Granite Falls, Minnesota, on the Minnesota River in Yellow Medicine County. The Upper Sioux community came into being about the same time as the other Minnesota Sioux communities. Land purchases amounting to 746 acres were made in 1938, but the Upper Sioux Community did not complete organization under the Indian Reorganization Act.

The Bureau of Indian Affairs set up a Board of Trustees to advise the agency superintendent on the use of rehabilitation funds. This group operates under a document entitled The Constitution of the Upper Sioux Community. The governing body is known as the Upper Sioux Community Board of Trustees, consisting of five members elected to four year staggered terms who represent the community when negotiating with federal, state, and local governments.

Demographics

The State of Minnesota has the twelfth largest American Indian population in the country. According to the 1990 census, the Minnesota American Indian population totaled 49,909. This data shows a 36.6% percent increase since 1980.

Approximately one-third of Minnesota's American Indian population live in the central cities of Minneapolis and St. Paul with 15% living in the Twin Cities suburbs. The reservations census count indicated that 12,402 American Indians are living on reservations. This represents a 25% increase from the 1980 census for American Indians residing on the reservations.

The Bureau of Indian Affairs (BIA) most current Labor Force report (1993) shows an increase in all reservation populations. (NOTE: The 1995 report was not available at time of printing.)

American Indian Population on Reservations: 1980, 1990, 1993

Reservations	1980*	1990*	1993**
Bois Forte	392	346	1,926
Fond du Lac	514	1,106	2,922
Grand Portage	187	207	330
Leech Lake	2,759	3,390	5,771
Lower Sioux	65	225	266
Mille Lacs	293	428	1,151
Prairie Island	80	56	176
Red Lake	2823	3,602	5,087
Shakopee-Mdewakanton	77	153	230
Upper Sioux	51	43	169
Vermilion Lake	103	87	Not Listed
White Earth	2,554	2,759	4,395
Total	<u>9,898</u>	<u>12,402</u>	<u>22,423</u>

*Source: U.S. Census

**Source: Bureau of Indian Affairs Labor Force Report

Counties with American Indian Population of 1,000 or more 1990 Census

	1980	1990
Hennepin	10,479	14,912
Beltrami	3,917	5,641
Ramsey	2,993	4,509
St. Louis	2,815	3,682
Cass	1,895	2,373
Anoka	1,112	1,865
Carlton	818	1,297
Mahnomen	1,003	1,193
Total	<u>25,032</u>	<u>35,472</u>

United States Resident Population Census

Total American Indians and Alaskan Natives

Year	Total
1980	1,420,000
1990	2,065,000
1991	2,107,000
1992	2,142,000
1993	2,177,000
1994	2,210,000
1995	2,226,000
Projected*	
2000	2,380,000
2005	2,543,000
2010	2,719,000
2015	2,904,000
2020	3,090,000
2025	3,278,000
2050	4,346,000

*1995 Statistical Abstract of the United States, based on "Middle Series Projections".

Statistics from the Department of Human Services on American Indians

1995 Census (estimate) 60,000 American Indians Statewide
27,000 American Indians under age 18

Child Welfare

1996 Total Minnesota Out-of-Home Placements - 17,508
1996 Total American Indian Out-of-Home Placements - 1,995 (approximately 11%)

(This total represents 1 out of every 14 American Indian youth are in Out-of-Home Placement)

1996 Total Minnesota Children Waiting for Adoption - 17,508
1996 Total American Indian Waiting for Adoption - 242 (approximately 14%)

Minnesota Family Investment Program (MFIP)

November 1998 Total Minnesota Cases - 46,013
November 1998 American Indian Cases - 4,170 (approximately 12%)

(Note: April 1999 data demonstrates that in 19 counties that share lands with Indian Reservations, 2,373 of 8,169 MFIP cases were American Indians. This represents approximately 30% of caseload in these counties.)

Health Care

Medical Assistance (MA)

Jan-Dec 1998 Total MA Recipients - 373,223
Jan-Dec 1998 Total American Indians Receiving MA - 21,032 (6%)

(14,851 tied with MFIP and an additional 6,000 are non-MFIP, Disabled or Elderly)

(Note: 21,032 represents approximately 30% of total American Indian people in Minnesota dependent on Medical Assistance. It should also be understood that for all medical assistance services provided through an Indian Health Service Facility of a Tribal Health Facility, the federal financial participation is 100%)

General Assistance (GA)

Jan-Dec 1998 Total GA Recipients - 28,380
Jan-Dec 1998 Total American Indians Receiving GA - 1,822 (approximately 7%)

MnCare

Jan-Dec 1998 Total MnCare Recipients - 104,000
Jan-Dec 1998 Total American Indians Receiving MnCare - 719 (approximately 1%)

Chemical Dependency (CD)

7/1/98 – 6/30/99 Total CD Treatment Placements - 46,013
7/1/98 – 6/30/99 Total American Indian CD Treatment Placements - 4,170 (approximately 12%)

"Profiles of Change: Communities of Color in the Twin Cities area" report of 1993 by the Urban Coalition, found that communities of color have nearly doubled in the Twin Cities Metropolitan area from 1980 to 1990, with an increasing share of this population residing in suburban communities. In addition, Minnesota State Planning report "A Plan of Action State of Diversity" published in 1993 indicate that people of color represent 6.3% of the state's total population. It is estimated that by the year 2020, 25 percent (25%) of the state's population will be people of color. American Indian concentrations in non-metropolitan areas constitute the largest proportion of minorities in northern Minnesota.

The demographic overview of American Indians in Minnesota affects the development of policy for Indians in the state. Policy is also affected by the unique political relationships that governed the lives of American Indians. No other group in the United States is governed and regulated by over 10,000 treaties, agreements and court decisions.

Policy Issues

Through treaties, agreements and court decisions, American Indian tribes have the power to make their own laws governing internal matters and enforce them in their own courts. These powers are the same general powers that the federal and state government use to regulate their internal affairs.

This government-to-government relationship is recognized by the state when entering into agreements with tribal governments. Minnesota Statute Section 16B.06, subdivision 6 provides the following:

"Notwithstanding any other law, the state may not require an Indian tribe or band to deny their sovereignty as a requirement or condition of a contract with the state or an agency of the state."

American Indians are entitled to the same benefits and privileges of other citizens. Therefore, this relationship between the tribal governments and state government has created a partnership, through contracts and agreements, to develop, and deliver programs that address the needs of American Indians throughout the state.

The "trust" responsibility between the United States government and Indian tribes was created through treaties and agreements in which land was surrendered in exchange for the permanent protection of remaining lands/reservations and its tribal members.

Congress has unlimited authority to regulate Indian affairs and in so doing, has passed thousands of laws which strengthen and protect the rights of the American Indians. This trust responsibility is based on the unique political status of American Indians as provided by the Constitution of the United States under the Commerce and Treaty clauses. Only Congress has the authority to formulate the federal government's Indian policies and programs to various federal agencies. The protection of the laws and rights of American Indian people is a primary objective of the Minnesota Indian Affairs Council.

Families

American Indian mothers in their teens, represented 49% of all American Indian pregnancies. In the Metropolitan area, less than one in five American Indian children live in two parent families. American Indian children represent 12 to 15% of all out of home placements.

Poverty

In 1990, 12% of all children living in the state of Minnesota lived in poverty. Of American Indian children, 55% live in poverty compared to the 50% of African American children, 31.7% of Asian/Pacific children, and 25.6% of Hispanic children. Most American Indians in Minnesota have less than half the income of white households with 43.7 % of the American Indians living in poverty.

The U.S. Census data also indicates that Minnesota's Indian people are worse off than other minorities living elsewhere in the nation. The median income of Indians in Minnesota is \$16,983 compared to \$34,466 for white residents. The employment rate for Indians is 49.3% versus 73.3% for whites. High school graduation rates stand at 68.2% for Indians, 82.8% for whites. These divergent statistics prompted the Minneapolis Star-Tribune to report in their July 24, 1992 issue that "... by the measures of poverty, income, employment and education, American Indians lagged behind every other racial group living in the state".

Historically, Indian tribes have maintained a direct relationship with the federal government due to their unique legal and political status. Until the early 1970's the federal government controlled and managed tribal resources and affairs. Tribal efforts to improve conditions for American Indian communities resulted in the passage of the Indian Self-Determination and Education Assistance Act of 1972 (P.L. 92-638). This initiative and the changes in federal Indian policy it produced have greatly enhanced the scope and abilities of tribal governing bodies to control their own destinies.

Current development in federal domestic fiscal policies is increasing this disparity. The denial of tribal communities of the funding they need to overcome the centuries of deprivation, poverty, and neglect, has left them the poorest of the poor. The future progress in alleviating poverty; meeting the health and educational requirements; and fulfilling the economic needs of the American Indian people will depend upon state funding of these programs.

Education

Over the years, comparison of the school drop out rates for the entire state indicate that American Indians annual drop out rate averages 11-15% compared to 3.0% for all groups. Statistics indicate that American Indians and African Americans have the highest annual drop out rate in Minnesota, although enrollment increased in all racial and ethnic groups in Metropolitan area schools. The percentage of students entering colleges and universities in 1988-90 indicated that American Indians were .8% of the total enrollment in all collegiate institutions in the state.

Employment

The 1990 state unemployment rate was 4.8% compared to the United States unemployment rate of 5.5%. The unemployment for American Indian males is at 22% and 16 % for females. In 1980, the percentage of American Indians living below the poverty line was 30.1% compared to 8.9% for whites, 26.6% for African Americans, 25.6% for Asians, and 18.2% for Hispanics.

The State of Minnesota employs more than 39,000 people and approximately 5% of that number represent African Americans, American Indians, Asian Pacific Islanders, and the Hispanic populations.

The calculations of the 1996 annual average unemployment rates for each of the Indian reservations is based upon census-shared methods using the 1990 census data for the counties and reservations. Note that the population figures on the 1990 census calculations are for persons 16 or older and are not used in the calculations. This information was obtained from Minnesota Research and Statistics.

1996 Average Unemployment Rates for Minnesota Reservations

Reservation	Rate
Bois Forte	19.1%
Deer Creek	5.2%
Fond du Lac	12.3%
Grand Portage	11.6%
Leech Lake	13.3%
Lower Sioux Community	10.0%
Mille Lacs	3.5%
Minnesota Chippewa Tribe	0.0%
Prairie Island	50.0%
Red Lake	17.7%
Sandy Lake	0.0%
Shakopee-Mdewakanton	6.1%
Upper Sioux	0.0%
Vermilion Lake	35.3%
White Earth	11.0%

Source: Department of Economic Security/Research and Statistics

Chemical Dependency

Chemical dependency is not only an on-going concern of the Minnesota Indian Affairs Council, but the nation as a whole, as all fifty states has passed DWI laws. The Chemical Dependency Program Division of the State of Minnesota works cooperatively with the MIAC to provide programming funds to treat chemically dependent American Indian patients.

Other Issues

The Indian Affairs Council continues to advocate for American Indian people on issues of concern that affect our communities both urban and rural. Human rights, discrimination and on-going racism are a continuous concern. Targeted health issues including services for the elderly, homelessness, HIV/AIDS information and prevention, teenage pregnancy, smoking cessation, violence, alcohol and drug abuse.

Violence

According to 1990 statistics, American Indians between the ages of 1 and 4 years are four times as likely to die from accidents than whites. Between the ages of 5 and 14, they are 2.3 times more likely to die from accidents than whites. Between the ages of 15 and 24 they are 8 times more likely to die from homicide than whites. In 1990, American Indians died at the rate of 46 per 100,000 residents, compared to 1.7 deaths per 100,000 for whites. Hospital and police records indicate that the above numbers will increase, as more health organizations become aware of their reporting responsibility when violence is involved.

Crime

Latest studies conducted by various organizations and state agencies reveal that American Indians in Minnesota are 10 times more likely than white Minnesotans to be in prison. Approximately 99% of all offenses committed by Indian offenders were done while under the influence of alcohol and/or drugs.

Indian Affairs Council Specific Programs

Cultural Resource Program

The Minnesota Indian Affairs Council and the State Archaeologist have a legal responsibility to monitor and enforce laws that protect American Indian human remains and associated burial items. Cemetery sites are protected under the "Private Cemeteries Act" (M.S.307.08).

The responsibilities under the law include rescue, identification, and reburial of human remains. The Indian Affairs Council reviews archaeological license applications to conduct fieldwork to determine if cemetery sites are within a project area.

Minnesota Native American Reburial Project (MNARP)

MNARP began in fiscal year 1991. Special legislative funding was issued to the Minnesota Indian Affairs Council. The purpose of the project was four-fold:

- ◆ To identify American Indian human remains currently residing in the collections of various institutions in the state.
- ◆ To create an inventory and database of all available information (reports, notes, references sites, etc.) regarding American Indian human remains and associated burial items previously exhumed in the state.
- ◆ Identify individuals and prepare the human remains and burial items for reburial.
- ◆ Arrange reburial ceremonies.

Throughout history, Minnesota has been a travel route for a numerous Indian tribes passing through or settling here for short or long periods. The Indian Affairs Council has initiated a very comprehensive program for reburial of human remains of American Indian people that have been unearthed in the past. Some of these remains have been stored in various institutions throughout the state. The first objective was the development of an inventory of the remains to properly establish tribal identification. Priorities for reburial were established as well as securing the various burial sites. The intent of the reburials is to address issues of identification in the most expeditious manner so the remains are re-interred as soon as possible to their appropriate locations.

Native American Graves Protection and Repatriation Act (NAGPRA)

Federal law "Native American Graves Protection and Repatriation Act" (NAGPRA), public law 101.601, helps to enforce the Indian Affairs Councils responsibilities to protect Minnesota Indian burial sites and return Indian human remains and burial goods to their rightful tribal affiliations. The purpose of this federal law is to return certain object to tribes, which should never have left those tribes. The four (4) categories covered in this act are.

- ◆ Human remains and associated grave goods
- ◆ Unassociated funerary objects
- ◆ Sacred objects that could be used by traditional religious practitioners
- ◆ Objects of cultural patrimony (i.e., medicine drums, etc.).

Because of the Federal Law (NAGPRA), Minnesota's large-scale reburial of American Indian remains has currently been halted to focus efforts toward completing the required federal inventory of all human remains currently held by the Minnesota Indian Affairs Council and contacting probable descendant populations. MIAC submitted a proposal to the U.S. Department of the Interior, National Park Service, for \$72,000 to complete the responsibilities mandated by NAGPRA. The grant was awarded and the funds were received by the MIAC in November 1996, to complete inventory of the remains as estimated 1,100 individuals.

The NAGPRA inventory/data base has been completed and determination of cultural affiliation has been made when possible. The last step of the process is public notification. Tribes, individuals, tribal organizations or institutions may request remains. The Indian Affairs Council has consulted with the eleven tribes in Minnesota, as well as sixteen other tribes outside of Minnesota. We have received requests to repatriate from the Dakota communities and in May 1998, the IAC returned the remains of 338 individuals for reburial.

In January 1988 the Indian Affairs Council testified in front of the NAGPRA Review Committee in Washington DC. Chairman Dallas Ross testified before the committee and requested that the Minnesota Indian Affairs Council be allowed to repatriate the culturally unaffiliated remains. This collection represents approximately 1,400 people and remains. MIAC is waiting authorization from the National Park Service to return these remains to the rightful tribes.

Two sites where human remains were accidentally unearthed were returned to the Dakota community. A gravel mining operation in Cass County uncovered the remains of five individuals that were rescued and reburied. In the City of Bloomington, in a corporate construction site, the remains of eleven individuals were encountered and reburied on site.

The primary focus of the Minnesota Indian Affairs Council Cultural Resource Program is to inform and educate the public about the law; the proper handling and protection of American Indian remains; and the procedures to follow when sites are accidentally uncovered or discovered.

Indian Business Loan Program

Legislation establishing the Indian Business Loan program provides Minnesota-based Indians with a percentage of the financial resources needed to start or expand a business enterprise in Minnesota. Funds are derived from the \$.40 an acre taxation of severed mineral interests held by individuals, corporations or organizations in Minnesota. Twenty percent (20%) of the tax, or \$.08 per acre, is remitted by the counties and deposited with the State Treasurer's office in a special revolving loan fund designated as the "Indian Business Loan Account," and administered by the Indian Affairs Council. Approval or rejection of most loan applications is the responsibility of the Tribal Council where the applicant is enrolled.

When an eligible Indian applies for a business loan, the application is forwarded to the Indian Affairs Council for review of appropriate documentation. This includes signed copies of two years' filed tax returns of the applicants and of the existing business, revenue and expense projections, cash flow statements and a good business plan which must show a reasonable chance for success. The application is then sent to the appropriate tribal council. If the loan is approved, the application is returned to the Indian Affairs Council for completion of the loan process. Most reservations will fund up to 25% of the total project cost and applicants must have at least 5-20% equity to inject into the project. Other financing must be approved and in place before funds are disbursed.

The law requires that a reasonable portion of the funds allocated to each reservation under this program be reserved for businesses located off the reservation. Each individual Tribal Council decides how much of their available funds will be set aside for this purpose.

Regular duties of the loan officer include the following activities/responsibilities:

- ◆ providing technical assistance to applicants and other business-related personnel in the completion of loan applications and evaluating and monitoring their business loans;
- ◆ reviewing and interpreting financial information relative to loan viability and guarantors as indicated by contracts with Tribal Councils and in accordance with MN §116J.64;
- ◆ ensuring all applications for business loans are prepared and completed according to applicable law and agency policy and with the Tribal Council's loan plan;
- ◆ ensuring that all legal documents pertaining to the loan agreements are prepared in the proper format and filed with the proper agencies;
- ◆ maintaining a portfolio on all relevant financial information and correspondence records in accordance with MN §116J.64 and Agency policy;
- ◆ preparing summaries of loan transactions and payments and submitting them to Director and Board of the Indian Affairs Council;
- ◆ maintaining records of delinquent loan accounts and implementing procedures to keep loans in current status;
- ◆ being familiar with state, federal, local, and outstate loan programs and procedures;
- ◆ maintaining all loan transactions in accordance with established financial procedures and methods;
- ◆ working with appropriate personnel and Tribal Councils to ensure compliance with provisions of approved loans/contracts;
- ◆ arranging meetings and site visits with clients and providing technical and management assistance, when requested, to organizations, clients and public/private sector.

In Fiscal Year 1999, the mineral tax collected and deposited into the Indian Business Loan account totaled approximately \$102,909, while loan payments returned approximately \$31,492 to this revolving loan fund.

The first Indian business loan was approved in June of 1981. To date, 92 loans have been made totaling \$1,972,773 to Indian businesses in the state. These monies have a wide ranging impact in terms of the types and number of businesses that are assisted, both on and off the reservation.

Indian Economic Opportunity Program

The Indian Affairs Council maintains an annual interagency agreement and funding grant for the Indian Economic Opportunity Program through the Department of Children, Families and Learning. This program provides information and technical assistance to Indian Reservations in Minnesota.

A Community Services Block Grant provides federal monies each year from the Department of Children, Families and Learning to the Minnesota Indian Affairs Council for this position. This grant provides funds for the Economic Opportunity Program Specialist to provide information and technical assistance for a wide range of programs and activities that impact causes of poverty in reservation communities. The interagency agreement enhances the Council's relationship with tribal governments to promote understanding of programs, identify problems, and recommend solutions to ensure the objectives of the respective programs are accomplished.

Contracts and allocations for various programs are awarded to the eleven reservation tribal governments, based on the 1990 census count. Base funding is also provided to each reservation grantee. In most instances, grant awards do not begin to meet the needs of most reservations. For this reason, coordination of grant planning among Community Service administered grants is essential. Grants include Community Services Block Grant (CSBG), Minnesota Economic Opportunity Grant (MEOG), Emergency Shelter Grant Program (ESGP) and Rural Housing and Stability Program (RHASP).

The Reservation Tribal Council grantee is required to submit a work plan/budget, prioritized goals and objectives based on the most recent community needs assessment and a coordination plan describing collaborative efforts with area service providers on how it will impact the low income people and assist in progressing toward self-sufficiency. Each grantee is responsible for providing a range of services and activities consistent with goals and objectives of the Community Service Block Grant. Economic Opportunity Programs follow federal regulations, instructions and policy performance standards. State agencies develop plans and monitor the programs in the most efficient and accountable manner.

Activities

This is the 17th year the Community Services Block Grant has funded the position of Economic Opportunity Specialist 3. This employee maintains office hours at the Indian Affairs Council's office in Bemidji as well as at the Department of Children, Families and Learning in St. Paul.

The Economic Opportunity Program Specialist reviews grantee files, progress reports, client and audit reports, and ensures that cash requests and Financial Status Reports are submitted in a timely manner. Also assurance contract files are monitored to ensure that base documents are on file for continued grantee eligibility, contract compliance and training of new staff. Telephone contact on a regular basis assists grantees in providing updated relevant material needed for continued activity.

Goals and Objectives of the Indian Economic Opportunity Program

Each reservation's government determines which program activity must be accomplished to meet the needs of low-income residents. Coordination of grant planning is essential, as is the mobilization of supplemental resources. Site visits to monitor contract status of current contracts are required to verify that each grantee is progressing successfully.

During the past year, several changes have been made in the EOG grant application. These changes include the development of mission statements, needs assessments, agency goals and strategies, measurable results, a coordination plan, and a collaboration and evaluation process as how it will affect future planning. The Department of Children, Families and Learning office will continue working to support efforts to enhance information and communication among all grantees.

Continuation of this program is dependent on federal funds and support from the Department of Children, Families and Learning.

Special Programs

While participating in a number of separate programs as part of its overall mission, the Indian Affairs Council has come to be recognized, and utilized, as a storehouse and clearinghouse for information and projects as they relate to Indians in Minnesota. As a database for information regarding Indians, the IAC is called upon to participate and/or initiate a variety of activities and programs for the overall benefit of Indians in the state, which often fall into a 'Special projects' category. These projects are often funded for no more than one year. They are considered short term in duration and therefore are not housed within the umbrella

of the Indian Affairs Council. The Indian Affairs Council is also called upon to enter into interagency agreements with other state agencies in order to develop activities or programs that will benefit the Indian community.

Other state agencies and legislators often initiate these "Special Programs." The Indian Affairs Council acts as an incubator for these special programs. It provides administration and financial services, thereby making it possible for smaller projects to begin establishing identities of their own. The Indian Affairs Council is thus able to implement programs based on their merits as a group or organization. Examples of these activities are:

1. Study Of Minnesota Criminal Justice: In fiscal year 1996 the Minnesota Planning Office transferred \$9,000 to the Indian Affairs Council to perform a statewide crime and justice survey analysis and evaluate the results as it relates to the attitudes of the American Indian community.

This study was done parallel to similar community survey efforts performed by the other three Minnesota Minority Councils.

The primary objective was to gather information from focus groups concerning American Indian attitudes about crime and justice from and for the benefit of the Indian communities.

The major tasks were to:

- ◆ Develop strategy to contact Indian community leaders/service providers and individuals
- ◆ Recruit Indian leaders in three urban sites and one reservation site
- ◆ Develop focus group strategy
- ◆ Provide operational services for the focus group
- ◆ Analyze focus group results
- ◆ Develop report and evaluate process

2. A \$15,000 Federal subgrant was negotiated and received from the Department of Human Services. This funding was to develop a long-range comprehensive plan for the delivery of chemical health services for American Indian youth and families in Minnesota by holding a series of meetings in the various Indian communities throughout the state.

The committees developed and facilitated a process for planning, established policies and procedures, and made recommendations regarding long term planning. Eight meetings were convened and many chemical health issues identified. Recommendations were made regarding prevention, treatment, women's issues, health care reform, and the cultural relevancy to American Indian people.

Indian Affairs Council -- Budget: FY 1999

Director Appropriations: General Fund 100

Indian Affairs Council	302,000	Staff Salaries
	<u>97,000</u>	Operating Expense and Travel
<i>Subtotal</i>	399,000 *	
Indian Affairs Board	<u>10,000</u>	Per Diem and Travel
Indian Affairs Burial	49,000	Operating Expense – Bemidji
	<u>65,000</u>	(M.S. 307.08)
<i>Subtotal Burial</i>	114,000	
<i>Total: General Fund</i>	<u>523,000</u> *	(488 + 35* = 523)*

Special Programs:

Indian Business Loan-Administration	56,100	Staff Salary and Travel
Fund 200: Available for Loans	1,206,844	
Indian Economic Program	60,000	Staff Salary and Travel
Fund 300: Federal Appropriation		
NAGPRA – Federal Grant	72,860	Inventory, Identify and Bury
Native American Graves		
Repatriation Act (NAGPRA)		
Battle Point Historic Site	350,000	Design of Site
<i>Total All Programs:</i>	<u>1,745,804</u>	

*Note: the additional \$35,000 allotted to the Agency by the Legislature was divided between the Council and Burial accounts.

Laws of 1997, Chapter 200, Article 1, Section 23:

General Fund Appropriations approved for the Indian Affairs Council FY 1999: \$535,000

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2000 – 2001 Biennial Budget

(Dollars in thousands)

Agency Summary	Actual FY 1997	Actual FY 1998	Budgeted FY 1999	FY 2000		FY 2001		Biennial Change 2000-01 Gov/98-99	
				Base	Agency Request	Base	Agency Request	Dollars	Percent
<u>Expenditures By Program:</u>									
Indian Affairs Council	728	820	868	811	811	826		(51)	-3.0%
Total Expenditures	728	820	868	811	811	826	826	(51)	-3.0%
 <u>Financing By Fund:</u>									
Direct Appropriations:									
General Statutory Approp.	513	554	654	551	551	567	567		
Special Revenue	74	192	81	198	198	199	199		
Federal	141	74	133	62	62	60	60		
Total Financing	728	820	868	811	811	826	826		
 <u>FTE By Employment Type:</u>									
Full Time	7.1	8.0	8.0	8.0	8.0	8.0	8.0		
Total Full Time Equivalent	7.1	8.0	8.0	8.0	8.0	8.0	8.0		

1999 Minnesota Legislative Session

Legislation Affecting American Indian and Tribal Government

Final Report

Chapter 182

S.F No. 2017, 2nd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/13/99

- 1.26 Subd. 2. [PUBLIC DATA.] (a) Except for employees described
 - 1.27 in subdivision 5, the following personnel data on current and
 - 1.28 former employees, volunteers, and independent contractors of a
 - 1.29 state agency, statewide system, or political subdivision and
 - 1.30 members of advisory boards or commissions is public:
- 4.4 Subd. 33. [PROTECTED GROUPS.] For affirmative action
 - 4.5 purposes, "protected groups" means females; handicapped, persons
 - 4.6 ; with disabilities, and members of the following minorities:
 - 4.7 Black, Hispanic, Asian or Pacific Islander, and American Indian
 - 4.8 or Alaskan native; and, until 1989, veterans who served in the
 - 4.9 military service of this country during the period from August
 - 4.10 5, 1964 to May 7, 1975, and separated under honorable conditions
 - 4.11 from any branch of the armed forces of the United States after
 - 4.12 having served on active duty for 181 consecutive days or because
 - 4.13 of disability incurred while serving on active duty and who are
 - 4.14 permanent residents of the state of Minnesota.

Chapter 187

S.F No. 2044, 2nd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/15/99

- 1.17 (b) Gambling equipment may be kept or operated and raffles
 - 1.18 conducted on licensed premises and adjoining rooms when the use
 - 1.19 of the gambling equipment is authorized by (1) chapter 349, (2)
 - 1.20 a tribal ordinance in conformity with the Indian Gaming
 - 1.21 Regulatory Act, Public Law Number 100-497, or (3) a tribal-state
 - 1.22 compact authorized under section 3.9221.
- 1.17 (b) Gambling equipment may be kept or operated and raffles
 - 1.18 conducted on licensed premises and adjoining rooms when the use
 - 1.19 of the gambling equipment is authorized by (1) chapter 349, (2)
 - 1.20 a tribal ordinance in conformity with the Indian Gaming
 - 1.21 Regulatory Act, Public Law Number 100-497, or (3) a tribal-state
 - 1.22 compact authorized under section 3.9221.
- 1.23 (c) Lottery tickets may be purchased and sold within the
 - 1.24 licensed premises as authorized by the director of the lottery
 - 1.25 under chapter 349A.
- 1.26 (d) Dice may be kept and used on licensed premises and
 - 2.1 adjoining rooms as authorized by section 609.761, subdivision 4.
- 2.2 Sec. 2. Minnesota Statutes 1998, section 609.761, is
 - 2.3 amended by adding a subdivision to read:
 - 2.4 Subd. 4. [SOCIAL DICE GAMES.] Sections 609.755 and 609.76
 - 2.5 do not prohibit dice games conducted on the premises and
 - 2.6 adjoining rooms of a retail establishment licensed to sell
 - 2.7 alcoholic beverages if the following requirements are satisfied:
 - 2.8 (1) the games consist of board games played with dice or

-
-
- 2.9 commonly known dice games such as "shake-a-day," "3-2-1," "who
2.10 buys," "last chance," "liar's poker," "6-5-4," "horse," and
2.11 "aces";
2.12 (2) wagers or prizes for the games are limited to food or
2.13 beverages; and
2.14 (3) the retail establishment does not organize or
2.15 participate financially in the games.
2.16 Sec. 3. [EFFECTIVE DATE.]
2.17 This act is effective the day following final enactment.

Chapter 220

S.F No. 145, 2nd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/17/99

- 1.1 A bill for an act
1.2 relating to ethics in government; clarifying and
1.3 simplifying the law related to lobbyist registration,
1.4 conflicts of interest, and campaign finance;
10.3 Subd. 18. [PUBLIC OFFICIAL.] "Public official" means any:
10.31 (g) executive director of the Indian affairs intertribal
10.32 board;

Chapter 205

H.F No. 1467, 5th Engrossment: 81st Legislative Session (1999-2000) Posted on 5/15/99

- 54.1 ARTICLE 3
54.2 PREVENTION AND INTERVENTION
54.3 Section 1. [124D.221] [AFTER-SCHOOL ENRICHMENT PROGRAMS.]
54.4 Subdivision 1. [ESTABLISHMENT.] A competitive statewide
54.5 after-school enrichment grant program is established to provide
54.6 implementation grants to community or nonprofit organizations,
54.7 to political subdivisions, or to school-based programs. The
54.8 commissioner shall develop criteria for after-school enrichment
54.9 programs.
54.10 Subd. 2. [PRIORITY NEIGHBORHOODS.] For grants in
54.11 Minneapolis and St. Paul, the commissioner must give priority to
54.12 neighborhoods in this subdivision. In Minneapolis, priority
54.13 neighborhoods are Near North, Hawthorne, Sumner-Glenwood,
54.14 Harrison, Jordan, Powderhorn, Central, Whittier, Cleveland,
54.15 McKinley, Waite Park, Sheridan, Holland, and Phillips. In St.
54.16 Paul, priority neighborhoods are Summit-University, Thomas-Dale,
54.17 North End, Payne-Phalen, Dayton's Bluff, and the West Side.
54.18 Subd. 3. [PROGRAM OUTCOMES.] The expected outcomes of the
54.19 after-school enrichment programs are to:
54.20 (1) increase the number of children participating in
54.21 adult-supervised programs in nonschool hours;
54.22 (2) support academic achievement, including the areas of
54.23 reading and math;
54.25 (4) increase school attendance and reduce the number of
54.26 school suspensions;

54.27 (5) increase the number of youth engaged in community
 54.28 service and other activities designed to support character
 54.29 improvement, strengthen families, and instill community values;
 54.30 (6) increase skills in technology, the arts, sports, and
 54.31 other activities; and
 54.32 (7) increase and support the academic achievement and
 54.33 character development of adolescent parents.
 54.34 Subd. 4. [PLAN.] An applicant shall develop a plan for an
 54.35 after-school enrichment program for youth. The plan must
 55.1 (1) collaboration with and leverage of existing community
 55.2 resources that have demonstrated effectiveness;
 55.3 (2) creative outreach to children and youth;
 55.4 (3) involvement of local governments, including park and
 55.5 recreation boards or schools, unless no government agency is
 55.6 appropriate;
 55.7 (4) community control over the design of the enrichment
 55.8 program; and
 55.9 (5) identification of the sources of nonpublic funding.
 55.10 Subd. 5. [PLAN APPROVAL; GRANTS.] An applicant shall
 55.11 submit a plan developed under subdivision 4 to the commissioner
 55.12 for approval. The commissioner shall award a grant for the
 55.13 implementation of an approved plan.
 55.14 Sec. 2. Minnesota Statutes 1998, section 124D.33,
 55.15 subdivision 3, is amended to read:
 55.16 Subd. 3. [EXPECTED OUTCOMES.] Grant recipients must use
 55.17 the funds for programs designed to prevent teen pregnancy and to
 55.18 prevent crime in the long term. Recipient programs must assist
 55.19 youth to demonstrate the following outcomes:
 55.20 (1) a reduction in the incidence of teen pregnancy;
 55.21 (2) an increase in the establishment of paternity,
 55.23 (3) an increase in the number of child support orders and
 55.24 collection;
 55.25 (4) an understanding of early childhood development,
 55.26 including the importance of fathers in the lives of children;
 55.27 (1) understand (5) an understanding of the connection
 55.28 between sexual behavior, adolescent pregnancy, and the roles and
 55.29 responsibilities of marriage and parenting;
 55.30 (6) an understanding that abstinence is the only completely
 55.31 safe means of sexual protection; and
 55.32 (2) understand (7) an understanding of the long-term
 55.33 responsibility of fatherhood;
 55.34 (3) understand the importance of fathers in the lives of
 55.35 children;
 55.36 (4) acquire parenting skills and knowledge of child
 56.1 development; and
 56.2 (5) find community support for their roles as fathers and
 56.3 nurturers of children.
 56.4 Sec. 3. Minnesota Statutes 1998, section 124D.33,
 56.5 subdivision 4, is amended to read:
 56.6 Subd. 4. [GRANT APPLICATIONS.] (a) An application for a
 56.7 grant may be submitted by a youth or parenting program whose
 56.7 grant may be submitted by a youth or parenting program whose

- 56.8 purpose is to reduce teen pregnancy or teach child development
- 56.9 and parenting skills in collaboration with a district. Each
- 56.10 grant application must include a description of the program's
- 56.11 structure and components, including collaborative and outreach
- 56.12 efforts; an implementation and evaluation plan to measure the
- 56.13 program's success; a plan for using males as instructors and
- 56.14 mentors; and a cultural diversity plan to ensure that staff or
- 56.15 teachers will reflect the cultural backgrounds of the population
- 56.16 served and that the program content is culturally sensitive.

Chapter 175

H.F No. 1607, 3rd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/12/99

- 1.1 A bill for an act
- 1.2 relating to peace officers; authorizing federally
- 1.3 recognized tribes to exercise concurrent criminal
- 1.4 jurisdictional authority with the local sheriff within
- 1.5 the geographical boundaries of the tribe's
- 1.6 reservation; establishing requirements for the
- 1.7 exercise of such authority; amending Minnesota
- 1.8 Statutes 1998, section 626.84, subdivision 1;
- 1.9 proposing coding for new law in Minnesota Statutes,
- 1.10 chapter 626.
- 2.1 (2) a peace officer who is employed by a law enforcement
- 2.2 agency of a federally recognized tribe, as defined in United
- 2.3 States Code, title 25, section 450b(e), and who is licensed by
- 2.4 the board.
- 3.3 (2) subject to the limitations in section 626.93, a law
- 3.4 enforcement agency of a federally recognized tribe, as defined
- 3.5 in United States Code, title 25, section 450b(e). .13 Subdivision 1. [DEFINITION.]
- As used in this section,
- 3.14 "tribe" means a federally recognized Indian tribe, as defined in
- 3.15 United States Code, title 25, section 450b(e), located within
- 3.16 the state of Minnesota, but does not include a tribe, band, or
- 3.17 community described in section 626.90, 626.91, or 626.92.
- 3.18 Subd. 2. [TRIBAL LAW ENFORCEMENT AGENCY REQUIREMENTS.] A
- 3.19 tribe may exercise authority under subdivision 3 only if it
- 3.20 satisfies the following requirements:
- 3.21 (1) the tribe agrees to be subject to liability for its
- 3.22 torts and those of its officers, employees, and agents acting
- 3.23 within the scope of their employment or duties arising out of a
- 3.25 subdivision 1, paragraph (h), to the same extent as a
- 3.26 municipality under chapter 466, and the tribe further agrees,
- 3.27 notwithstanding section 16C.05, subdivision 7, to waive its
- 3.28 sovereign immunity with respect to claims arising from this
- 3.29 liability;
- 3.30 (2) the tribe files with the board of peace officer
- 3.31 standards and training a bond or certificate of insurance for
- 3.32 liability coverage for the maximum amounts set forth in section
- 3.33 466.04;

- 3.34 (3) the tribe files with the board of peace officer
3.35 standards and training a certificate of insurance for liability
3.36 of its law enforcement officers, employees, and agents for
4.1 lawsuits under the United States Constitution; and
4.2 (4) if the tribe's governing body has authorized its peace
4.3 officers to enforce criminal laws within the boundaries of the
4.4 tribe's reservation, the tribe agrees to be subject to section
4.5 13.82 and any other laws of the state relating to data practices
4.6 of law enforcement agencies.
4.7 Subd. 3. [CONCURRENT JURISDICTION.] If the requirements of
4.8 subdivision 2 are met and the tribe enters into a cooperative
4.9 agreement pursuant to subdivision 4, the tribe shall have
4.10 concurrent jurisdictional authority under this section with the
4.11 local county sheriff within the geographical boundaries of the
4.12 tribe's reservation to enforce state criminal law.
4.13 Subd. 4. [COOPERATIVE AGREEMENTS.] In order to coordinate,
4.14 define, and regulate the provision of law enforcement services
4.15 and to provide for mutual aid and cooperation, governmental
4.16 units and the tribe shall enter into agreements under section
4.17 471.59. For the purposes of entering into these agreements, the
4.18 tribe shall be considered a "governmental unit" as that term is
4.19 defined in section 471.59, subdivision 1.
4.20 Subd. 5. [EFFECT ON FEDERAL LAW.] Nothing in this section
4.21 shall be construed to restrict a tribe's authority under federal
4.22 law.
4.23 Subd. 6. [CONSTRUCTION.] This section is limited to law
4.24 enforcement authority only, and nothing in this section shall
4.25 affect any other jurisdictional relationships or disputes
4.26 involving a tribe or current reservation boundaries.
4.27 Sec. 3. [EFFECTIVE DATE.]
4.28 Sections 1 and 2 are effective the day following final
4.29 enactment.

Chapter 240

H.F. No. 2205, 4th Engrossment: 81st Legislative Session (1999-2000) Posted on 5/18/99

- 1.27 Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]
1.28 The sums in the column under "APPROPRIATIONS" are
1.29 appropriated with certain conditions and directions from the
1.30 bond proceeds fund, or other named fund, to the state agencies
1.31 or officials indicated, to be spent for public purposes
1.32 including to acquire and to better public land and buildings and
1.33 other public improvements of a capital nature, as specified in
1.34 this article.
17.15 Sec. 11. INDIAN AFFAIRS COUNCIL 1,700,000
17.16 To the Indian affairs council for
17.17 construction of the Battle Point
17.18 Cultural and Education Center.

Chapter 241

H.F No. 2333, 5th Engrossment: 81st Legislative Session (1999-2000) Posted on 5/20/99

- 1.1 A bill for an act
 - 1.2 relating to education; prekindergarten through grade
 - 1.3 12; providing for general education; special programs;
 - 1.4 lifework development; facilities and technology;
 - 1.5 education excellence; other programs; nutrition
 - 1.6 programs; libraries; education policy; and state
 - 1.7 agencies; appropriating money; amending
- 85.17 Subd. 3. [AMERICAN INDIAN EDUCATION.] (a) For certain
- 85.18 American Indian education programs in school districts:
 - 85.19 \$175,000 2000
 - 85.20 \$175,000 2001
 - 85.21 The 2000 appropriation includes \$17,000 for 1999 and
 - 85.22 \$158,000 for 2000.
 - 85.23 The 2001 appropriation includes \$17,000 for 2000 and
 - 85.24 \$158,000 for 2001.
 - 85.25 (b) These appropriations are available for expenditure with
 - 85.26 the approval of the commissioner of the department of children,
 - 85.27 families, and learning.
 - 85.28 (c) The commissioner must not approve the payment of any
 - 85.29 amount to a school district or school under this subdivision
 - 85.30 unless that school district or school is in compliance with all
 - 85.31 applicable laws of this state.
 - 85.32 (d) Up to the following amounts may be distributed to the
 - 85.33 following schools and school districts for each fiscal year:
 - 85.34 \$54,800 Pine Point School; \$9,800 to independent school district
 - 85.35 No. 166, Cook county; \$14,900 to independent school district No.
 - 85.36 432, Mahnomen; \$14,200 to independent school district No. 435,
 - 6.1 Waubun; \$42,200 to independent school district No. 707, Nett
 - 86.2 Lake; and \$39,100 to independent school district No. 38, Red
 - 86.3 Lake. These amounts must be spent only for the benefit of
 - 86.4 American Indian pupils and to meet established state educational
 - 86.5 standards or statewide requirements.
 - 86.6 (e) Before a district or school can receive money under
 - 86.7 this subdivision, the district or school must submit, to the
 - 86.8 commissioner, evidence that it has complied with the uniform
 - 86.9 financial accounting and reporting standards act, Minnesota
 - 86.10 Statutes, sections 123B.75 to 123B.83.
 - 86.11 Subd. 4. [AMERICAN INDIAN POST-SECONDARY PREPARATION
 - 86.12 GRANTS.] For American Indian post-secondary preparation grants
 - 86.13 according to Minnesota Statutes, section 124D.85:
 - 86.14 \$982,000 2000
 - 86.15 \$982,000 2001
 - 86.16 Any balance in the first year does not cancel but is
 - 86.17 available in the second year.
 - 86.18 Subd. 5. [AMERICAN INDIAN SCHOLARSHIPS.] For American
 - 86.19 Indian scholarships according to Minnesota Statutes, section
 - 86.20 124D.84:

- 86.21 \$1,875,000 2000
86.22 \$1,875,000 2001
86.23 Any balance in the first year does not cancel but is
86.24 available in the second year.
86.25 Subd. 6. [INDIAN TEACHER PREPARATION GRANTS.] (a) For
86.26 joint grants to assist Indian people to become teachers:
86.27 \$190,000 2000
86.28 \$190,000 2001
86.29 (b) Up to \$70,000 each year is for a joint grant to the
86.30 University of Minnesota at Duluth and independent school
86.31 district No. 709, Duluth.
86.32 (c) Up to \$40,000 each year is for a joint grant to each of
86.33 the following:
86.34 (1) Bemidji state university and independent school
86.35 district No. 38, Red Lake;
86.36 (2) Moorhead state university and a school district located
87.1 within the White Earth reservation; and
87.2 (3) Augsburg college, independent school district No. 625,
87.3 St. Paul, and special school district No. 1, Minneapolis.
87.4 (d) Money not used for students at one location may be
87.5 transferred for use at another location.
87.6 (e) Any balance in the first year does not cancel but is
87.7 available in the second year.
87.8 Subd. 7. [TRIBAL CONTRACT SCHOOLS.] For tribal contract
87.9 school aid according to Minnesota Statutes, section 124D.83:
87.10 \$2,706,000 2000
87.11 \$2,790,000 2001
87.12 The 2000 appropriation includes \$283,000 for 1999 and
87.13 \$2,423,000 for 2000.
87.14 The 2001 appropriation includes \$269,000 for 2000 and
87.15 \$2,521,000 for 2001.
87.16 Subd. 8. [EARLY CHILDHOOD PROGRAMS AT TRIBAL SCHOOLS.] For
87.17 early childhood family education programs at tribal contract
87.18 schools:
87.19 \$68,000 2000
87.20 \$68,000 2001
87.27 Subd. 10. [INTEGRATION PROGRAMS.] For minority fellowship
87.28 grants according to Laws 1994, chapter 647, article 8, section
87.29 29; minority teacher incentives according to Minnesota Statutes,
87.30 section 122A.65; teachers of color grants according to Minnesota
87.31 Statutes, section 122A.64; and cultural exchange grants
87.32 according to Minnesota Statutes, section 124D.89:
87.33 \$1,000,000 2000
87.34 \$1,000,000 2001
87.35 Any balance in the first year does not cancel but is
87.36 available in the second year.
88.1 In awarding teacher of color grants, priority must be given
88.2 to districts that have students who are currently in the process
88.3 of completing their academic program.

Chapter 223

S.F No. 2227, as introduced: 81st Legislative Session (1999-2000) Posted on 4/16/99

- 1.1 A bill for an act
- 1.2 relating to economic development; appropriating money
- 1.3 for economic development and certain agencies of state
- 1.4 government; establishing and modifying programs;
- 1.5 regulating activities and practices; establishing
- 1.6 pilot projects; requiring reports; modifying fees;
- 1.7 providing criminal penalties;

- 12.56 Subd. 9. Urban Indian Housing
- 12.57 \$187,000 the first year and \$187,000
- 12.58 the second year are for the urban
- 12.59 Indian housing program under Minnesota
- 12.60 Statutes, section 462A.07, subdivision
- 12.61 15.
- 12.62 Subd. 10. Tribal Indian Housing
- 12.63 \$1,683,000 the first year and
- 13.1 \$1,683,000 the second year are for the
- 13.2 tribal Indian housing program under
- 13.3 Minnesota Statutes, section 462A.07,
- 13.4 subdivision 14.

- 20.44 Sec. 22. INDIAN AFFAIRS
- 20.45 COUNCIL 551,000 567,000

- 23.13 Sec. 32. [PIPESTONE INDIAN SCHOOL AUTHORIZATION.]
- 23.14 Notwithstanding Minnesota Statutes, section 16A.695, the
- 23.15 board of trustees of the Minnesota state colleges and
- 23.16 universities may convey by quitclaim deed, at no cost, the
- 23.17 state's interest in the historic Pipestone Indian school
- 23.18 superintendent's house and gymnasium at the Pipestone campus of
- 23.19 Minnesota West community and technical college. The conveyance
- 23.20 shall be in a form approved by the attorney general.
- 23.21 The deed must reserve to the state all minerals and mineral
- 23.22 rights and provide that the property shall revert to the state
- 23.23 if the grantee:
- 23.24 (1) fails to provide the use intended on the property;
- 23.25 (2) allows a public use other than the use agreed to by the
- 23.26 board without the written approval of the board; or
- 23.27 (3) abandons the use of the property.

Chapter 245

S.F No. 2225, 3rd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/19/99

- 1.1 A bill for an act
- 1.2 relating to the operation of state government;
- 1.3 modifying provisions relating to health; health
- 1.4 department; human services; human services department;
- 21.12 (2) Of the amounts in clause (1),
- 21.13 \$15,000,000 is transferred each year of
- 21.14 the biennium to the state's federal
- 21.15 Title XX block grant. Notwithstanding
- 21.16 the provisions of Minnesota Statutes,
- 21.17 section 256E.07, in each year of the
- 21.18 biennium the commissioner shall
- 21.19 allocate \$15,000,000 of the state's
- 21.20 Title XX block grant funds based on the
- 21.21 community social services aids formula
- 21.22 in Minnesota Statutes, section
- 21.23 256E.06. The commissioner shall ensure
- 21.24 that money allocated to counties under
- 21.25 this provision is used according to the
- 21.26 requirements of United States Code,
- 21.27 title 42, section 604(d)(3)(B).
- 21.28 (3) Of the amounts in clause (1),
- 21.29 \$10,990,000 is transferred each year
- 21.30 from the state's federal TANF block
- 21.31 grant to the state's federal Title XX
- 21.32 block grant. In each year \$140,000 is
- 21.33 for grants according to Minnesota
- 21.34 Statutes, section 257.3571, subdivision
- 21.35 2a, to the Indian child welfare defense
- 21.36 corporation to promote statewide
- 21.37 compliance with the Indian Child
- 21.38 Welfare Act of 1978; \$4,650,000 is for
- 21.39 grants to counties for concurrent
- 21.40 permanency planning; and \$6,200,000 is
- 21.41 for the commissioner to distribute
- 21.42 according to the formula in Minnesota
- 21.43 Statutes, section 256E.07. The
- 21.44 commissioner shall ensure that money
- 21.45 allocated under this clause is used
- 21.46 according to the requirements of United
- 21.47 States Code, title 42, section
- 21.48 604(d)(3)(B). In fiscal years 2002 and
- 21.49 2003, \$140,000 per year is for grants
- 21.50 according to Minnesota Statutes,
- 21.51 section 257.3571, subdivision 2a, to
- 21.52 the Indian child welfare defense
- 21.53 corporation to promote statewide

21.54 compliance with the Indian Child
21.55 Welfare Act of 1978. Section 13,
21.56 sunset of uncodified language, does not
21.57 apply to this provision.

35.30 Subd. 3. [APPROPRIATION TRANSFERS TO BE REPORTED.] When
35.31 the commissioner transfers operational money between programs
35.32 under section 16A.285, in addition to the requirements of that
35.33 section the commissioner must provide the chairs of the
35.34 legislative committees that have jurisdiction over the agency's
35.35 budget with sufficient detail to identify the account to which
35.36 the money was originally appropriated, and the account to which
35.37 the money is being transferred.

36.1 Sec. 16. Minnesota Statutes 1998, section 256.01,
36.2 subdivision 2, is amended to read:

36.3 Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of
36.4 section 241.021, subdivision 2, the commissioner of human
36.5 services shall:

36.6 (1) Administer and supervise all forms of public assistance
36.7 provided for by state law and other welfare activities or
36.8 services as are vested in the commissioner. Administration and
36.9 supervision of human services activities or services includes,
36.10 but is not limited to, assuring timely and accurate distribution
36.11 of benefits, completeness of service, and quality program
36.12 management. In addition to administering and supervising human
36.13 services activities vested by law in the department, the
36.14 commissioner shall have the authority to:

37.1 (g) enter into contractual agreements with federally
37.2 recognized Indian tribes with a reservation in Minnesota to the
37.3 extent necessary for the tribe to operate a federally approved
37.4 family assistance program or any other program under the
37.5 supervision of the commissioner. The commissioner shall consult
37.6 with the affected county or counties in the contractual
37.7 agreement negotiations, if the county or counties wish to be
37.8 included, in order to avoid the duplication of county and tribal
37.9 assistance program services. The commissioner may establish
37.10 necessary accounts for the purposes of receiving and disbursing
37.11 funds as necessary for the operation of the programs.

46.26 ARTICLE 2
46.27 HEALTH DEPARTMENT

46.28 Section 1. Minnesota Statutes 1998, section 15.059,
46.29 subdivision 5a, is amended to read:

46.30 Subd. 5a. [LATER EXPIRATION.] Notwithstanding subdivision
46.31 5, the advisory councils and committees listed in this
46.32 subdivision do not expire June 30, 1997. These groups expire
46.33 June 30, 2001, unless the law creating the group or this
46.34 subdivision specifies an earlier expiration date.

48.11 Indian scholarship committee, created in section 124D.84,
48.12 subdivision 2;

48.13 American Indian education committees, created in section
48.14 124D.80;

- 49.11 American Indian advisory council, created in section
49.12 254A.035;
49.25 American Indian child welfare advisory council, created in
49.26 section 257.3579;
- 80.20 145.924 [AIDS PREVENTION GRANTS.]
80.21 (a) The commissioner may award grants to boards of health
80.22 as defined in section 145A.02, subdivision 2, state agencies,
80.23 state councils, or nonprofit corporations to provide evaluation
80.24 and counseling services to populations at risk for acquiring
80.2 human immunodeficiency virus infection, including, but not
80.26 limited to, minorities, adolescents, intravenous drug users, and
80.27 homosexual men.
80.28 (b) The commissioner may award grants to agencies
80.29 experienced in providing services to communities of color, for
80.30 the design of innovative outreach and education programs for
80.31 targeted groups within the community who may be at risk of
80.32 acquiring the human immunodeficiency virus infection, including
80.33 intravenous drug users and their partners, adolescents, gay and
80.34 bisexual individuals and women. Grants shall be awarded on a
80.35 request for proposal basis and shall include funds for
80.36 administrative costs. Priority for grants shall be given to
81.1 agencies or organizations that have experience in providing
81.2 service to the particular community which the grantee proposes
81.3 to serve; that have policymakers representative of the targeted
81.4 population; that have experience in dealing with issues relating
81.5 to HIV/AIDS; and that have the capacity to deal effectively with
81.6 persons of differing sexual orientations. For purposes of this
81.7 paragraph, the "communities of color" are: the American-Indian
81.8 community; the Hispanic community; the African-American
81.9 community; and the Asian-Pacific community.
- 277.23 Sec. 78. Minnesota Statutes 1998, section 256B.76, is
277.24 amended to read:
277.25 256B.76 [PHYSICIAN AND DENTAL REIMBURSEMENT.]
277.26 (a) The physician reimbursement increase provided in
277.27 section 256B.74, subdivision 2, shall not be implemented.
277.28 Effective for services rendered on or after October 1, 1992, the
277.29 commissioner shall make payments for physician services as
277.30 follows:
278.36 (4) the commissioner shall award grants to community
279.1 clinics or other nonprofit community organizations, political
279.2 subdivisions, professional associations, or other organizations
279.3 that demonstrate the ability to provide dental services
279.4 effectively to public program recipients. Grants may be used to
279.5 fund the costs related to coordinating access for recipients,
279.6 developing and implementing patient care criteria, upgrading or
279.7 establishing new facilities, acquiring furnishings or equipment,
279.8 recruiting new providers, or other development costs that will
279.9 improve access to dental care in a region. In awarding grants,
279.10 the commissioner shall give priority to applicants that plan to
279.11 serve areas of the state in which the number of dental providers

279.12 is not currently sufficient to meet the needs of recipients of
 279.13 public programs or uninsured individuals. The commissioner
 279.14 shall consider the following in awarding the grants: (i)
 279.15 potential to successfully increase access to an underserved
 279.16 population;
 281.32 Subd. 7a. [ELIGIBLE INDIVIDUALS.] (a) Persons are eligible
 281.33 for the demonstration project as provided in this subdivision.
 281.34 (b) "Eligible individuals" means those persons living in
 281.35 the demonstration site who are eligible for medical assistance
 281.36 and are disabled based on a disability determination under
 282.1 section 256B.055, subdivisions 7 and 12, or who are eligible for
 282.2 medical assistance
 82.12 (c) Eligible individuals residing on a federally recognized
 282.13 Indian reservation may be excluded from participation in the
 282.14 demonstration project at the discretion of the tribal government
 282.15 based on agreement with the commissioner, in consultation with
 282.16 the county authority.
 282.31 Subd. 7b. [AMERICAN INDIAN RECIPIENTS.] (a) Beginning on
 282.32 or after July 1, 1999, for American Indian recipients of medical
 282.33 assistance who are required to enroll with a county
 282.34 administrative entity or service delivery organization under
 282.35 subdivision 7, medical assistance shall cover health care
 282.36 services provided at American Indian health services facilities
 283.1 and facilities operated by a tribe or tribal organization under
 283.2 funding authorized by United States Code, title 25, sections
 283.3 450f to 450n, or title III of the Indian Self-Determination and
 283.4 Education Assistance Act, Public Law Number 93-638, if those
 283.5 services would otherwise be covered under section 256B.0625.
 283.6 Payments for services provided under this subdivision shall be
 283.7 made on a fee-for-service basis, and may, at the option of the
 283.8 tribe or tribal organization, be made according to rates
 283.9 authorized under sections 256.969, subdivision 16, and
 283.10 256B.0625, subdivision 34. Implementation of this purchasing
 283.11 model is contingent on federal approval.
 283.12 (b) The commissioner of human services, in consultation
 283.13 with tribal governments, shall develop a plan for tribes to
 283.14 assist in the enrollment process for American Indian recipients
 283.15 enrolled in the demonstration project for people with
 283.16 disabilities under this section. This plan also shall address
 283.17 how tribes will be included in ensuring the coordination of care
 283.18 for American Indian recipients between Indian health service or
 283.19 tribal providers and other providers.
 283.20 (c) For purposes of this subdivision, "American Indian" has
 283.21 the meaning given to persons to whom services will be provided
 283.22 for in Code of Federal Regulations, title 42, section 36.12.

44.6 Subd. 2. [CHEMICAL DEPENDENCY SERVICES FUND PAYMENT.] (a)
 344.7 Payment from the chemical dependency fund is limited to payments
 344.8 for services other than detoxification that, if located outside
 344.9 of federally recognized tribal lands, would be required to be
 344.10 licensed by the commissioner as a chemical dependency treatment
 344.11 or rehabilitation program under sections 245A.01 to 245A.16, and

344.12 services other than detoxification provided in another state
344.13 that would be required to be licensed as a chemical dependency
344.14 program if the program were in the state.
345.25 Subdivision 1. [LICENSURE REQUIRED.] Programs licensed by
345.26 the commissioner are eligible vendors. Hospitals may apply for
345.27 and receive licenses to be eligible vendors, notwithstanding the
345.28 provisions of section 245A.03. American Indian programs located
345.29 on federally recognized tribal lands that provide chemical
345.30 dependency primary treatment, extended care, transitional
345.31 residence, or outpatient treatment services, and are licensed by
345.32 tribal government are eligible vendors. Detoxification programs
345.33 are not eligible vendors. Programs that are not licensed as a
345.34 chemical dependency residential or nonresidential treatment
345.35 program by the commissioner or by tribal government are not
345.36 eligible vendors. To be eligible for payment under the

346.1 Consolidated Chemical Dependency Treatment Fund, a vendor of a
346.2 chemical dependency service must participate in the Drug and
346.3 Alcohol Abuse Normative Evaluation System and the treatment
346.4 accountability plan.

346.5 Effective January 1, 2000, vendors of room and board are
346.6 eligible for chemical dependency fund payment if the vendor:

346.7 (1) is certified by the county or tribal governing body as
346.8 having rules prohibiting residents bringing chemicals into the
346.9 facility or using chemicals while residing in the facility and
346.10 provide consequences for infractions of those rules;

346.11 (2) has a current contract with a county or tribal
346.12 governing body;

346.13 (3) is determined to meet applicable health and safety
346.14 requirements;

346.15 (4) is not a jail or prison; and

346.16 (5) is not concurrently receiving funds under chapter 256I
346.17 for the recipient.

378.33 Subd. 2. [INCOME EXCLUSIONS.] (a) The following must be
378.34 excluded in determining a family's available income:

382.4 (41) American Indian tribal land settlements excluded under
382.5 Public Law Numbers 98-123, 98-124, and 99-377 to the Mississippi
382.6 Band Chippewa Indians of White Earth, Leech Lake, and Mille Lacs
382.7 reservations and payments to members of the White Earth Band,
382.8 under United States Code, title 25, chapter 9, section 331, and
382.9 chapter 16, section 1407;

430.13 Subdivision 1. [ALLOCATION.] Money appropriated for MFIP-S
430.14 MFIP employment and training services must be allocated to
430.15 counties and eligible tribal providers as specified in this
430.16 section.

430.17 Sec. 73. Minnesota Statutes 1998, section 256J.62, is
430.18 amended by adding a subdivision to read:

430.19 Subd. 2a. [CASELOAD-BASED FUNDS ALLOCATION.] Effective for
430.20 state fiscal year 2000, and for all subsequent years, money
430.21 shall be allocated to counties and eligible tribal providers
430.22 based on their average number of MFIP cases as a proportion of
430.23 the statewide total number of MFIP cases:

430.24 (1) the average number of cases must be based upon counts
430.25 of MFIP or tribal TANF cases as of March 31, June 30, September
430.26 30, and December 31 of the previous calendar year, less the
430.27 number of child only cases and cases where all the caregivers
430.28 are age 60 or over. Two-parent cases, with the exception of
430.29 those with a caregiver age 60 or over, will be multiplied by a
430.30 factor of two;
430.31 (2) the MFIP or tribal TANF case count for each eligible
430.32 tribal provider shall be based upon the number of MFIP or tribal
430.33 TANF cases who are enrolled in, or are eligible for enrollment
430.34 in the tribe; and the case must be an active MFIP case; and the
430.35 case members must reside within the tribal program's service
430.36 delivery area;
431.1 (3) MFIP or tribal TANF cases counted for determining
431.2 allocations to tribal providers shall be removed from the case
431.3 counts of the respective counties where they reside to prevent
431.4 duplicate counts;
431.5 (4) prior to allocating funds to counties and tribal
431.6 providers, \$1,000,000 shall be set aside to allow the
431.7 commissioner to use these set-aside funds to provide funding to
431.8 county or tribal providers who experience an unforeseen influx
431.9 of participants or other emergent situations beyond their
431.10 control; and
431.11 (5) the commissioner shall use a portion of the funds in
431.12 clause (4) to offset a reduction in funds allocated to any
431.13 county between state fiscal year 1999 and state fiscal year 2000
431.14 that results from the adjustment in clause (3). The funding
431.15 provided under this clause must reduce by half the reduction for
431.16 state fiscal year 2000 that any county would otherwise
431.17 experience in the absence of this clause.
431.18 Any funds specified in this clause that remain unspent by March
431.19 31 of each year shall be reallocated out to county and tribal
431.20 providers using the funding formula detailed in clauses (1) to
431.21 (5).

460.34 ARTICLE 8
460.35 CHILD PROTECTION AND
460.36 RELATED MAXIMIZATION OF FEDERAL FUNDS

461.1 Section 1. Minnesota Statutes 1998, section 144.1761,
461.2 subdivision 1, is amended to read:

461.3 Subdivision 1. [REQUEST.] (a) Whenever an adopted person
461.4 requests the state registrar to disclose the information on the
461.5 adopted person's original birth certificate, the state registrar
461.6 shall act in accordance with the provisions of section 259.89.

461.7 (b) The state registrar shall provide a copy of an adopted
461.8 person's original birth certificate to an authorized
461.9 representative of a federally recognized American Indian tribe
461.10 for the sole purpose of determining the adopted person's
461.11 eligibility for enrollment or membership. Information contained
461.12 on the birth certificate may not be used to provide the adopted
461.13 person information about the person's birth parents except as
461.14 provided in this section or section 259.83.

463.30 Subd. 3. [COORDINATION AND PROVISION OF SERVICES.] (a) In
463.31 a county or reservation where a prepaid medical assistance
463.32 provider has contracted under section 256B.031 or 256B.69 to
463.33 provide mental health services, the case management provider
463.34 shall coordinate with the prepaid provider to ensure that all
463.35 necessary mental health services required under the contract are
463.36 provided to recipients of case management services.
464.17 (d) If the county or tribal social services has not
464.18 obtained prior authorization for this service, or an appeal
464.19 results in a determination that the services were not medically
464.20 necessary, the county or tribal social services may not seek
464.21 reimbursement from the prepaid provider.

64.31 Subd. 6. [MEDICAL ASSISTANCE REIMBURSEMENT OF CASE
464.32 MANAGEMENT SERVICES.] (a) Medical assistance reimbursement for
464.33 services under this section shall be made on a monthly basis.
464.34 Payment is based on face-to-face or telephone contacts between
464.35 the case manager and the client, client's family, primary
464.36 caregiver, legal representative, or other relevant person
465.1 identified as necessary to the development or implementation of
465.2 the goals of the individual service plan regarding the status of
465.3 the client, the individual service plan, or the goals for the
465.4 client.

465.20 (c) Payments for tribes may be made according to section
465.21 256B.0625 for child welfare targeted case management provided by
465.22 Indian health services and facilities operated by a tribe or
465.23 tribal organization.

465.24 (d) Payment for case management provided by county or
465.25 tribal social services contracted vendors shall be based on a
465.26 monthly rate negotiated by the host county or tribal social
465.27 services. The negotiated rate must not exceed the rate charged
465.28 by the vendor for the same service to other payers. If the
465.29 service is provided by a team of contracted vendors, the county
465.30 or tribal social services may negotiate a team rate with a
465.31 vendor who is a member of the team. The team shall determine
465.32 how to distribute the rate among its members. No reimbursement
465.33 received by contracted vendors shall be returned to the county
465.34 or tribal social services, except to reimburse the county or
465.35 tribal social services for advance funding provided by the
465.36 county or tribal social services to the vendor.

466.1 (e) If the service is provided by a team that includes
466.2 contracted vendors and county or tribal social services staff,
466.3 the costs for county or tribal social services staff
466.4 participation in the team shall be included in the rate for
466.5 county or tribal social services provided services. In this
466.6 case, the contracted vendor and the county or tribal social
466.7 services may each receive separate payment for services provided
466.8 by each entity in the same month. To prevent duplication of
466.9 services, each entity must document, in the recipient's file,
466.10 the need for team case management and a description of the roles
466.11 and services of the team members.

466.12 Separate payment rates may be established for different
466.13 groups of providers to maximize reimbursement as determined by
466.14 the commissioner. The payment rate will be reviewed annually
466.15 and revised periodically to be consistent with the most recent
466.16 time study and other data. Payment for services will be made
466.17 upon submission of a valid claim and verification of proper
466.18 documentation described in subdivision 7. Federal
466.19 administrative revenue earned through the time study, or under
466.20 paragraph (c), shall be distributed according to earnings, to
466.21 counties, reservations, or groups of counties or reservations
466.22 which have the same payment rate under this subdivision, and to
466.23 the group of counties or reservations which are not certified
466.24 providers under section 256F.10. The commissioner shall modify
466.25 the requirements set out in Minnesota Rules, parts 9550.0300 to
466.26 9550.0370, as necessary to accomplish this.

474.6 Subd. 6. [DISTRIBUTION OF NEW FEDERAL REVENUE.] (a) Except
474.7 for portion set aside in paragraph (b), the federal funds earned
474.8 under this section and section 256B.094 by counties providers
474.9 shall be paid to each county provider based on its earnings, and
474.10 must be used by each county provider to expand preventive child
474.11 welfare services.
474.12 If a county or tribal social services agency chooses to be a
474.13 provider of child welfare targeted case management and if that
474.14 county or tribal social services agency also joins a local
474.15 children's mental health collaborative as authorized by the 1993
474.16 legislature, then the federal reimbursement received by the
474.17 county or tribal social services agency for providing child
474.18 welfare targeted case management services to children served by
474.19 the local collaborative shall be transferred by the county or
474.20 tribal social services agency to the integrated fund. The
474.21 federal reimbursement transferred to the integrated fund by the
474.22 county or tribal social services agency must not be used for
474.23 residential care other than respite care described under
474.24 subdivision 7, paragraph (d).

475.3 Subd. 7. [EXPANSION OF SERVICES AND BASE LEVEL OF
475.4 EXPENDITURES.] (a) Counties and tribal social services must
475.5 continue the base level of expenditures for preventive child
475.6 welfare services from either or both of any state, county, or
475.7 federal funding source, which, in the absence of federal funds
475.8 earned under this section, would have been available for these
475.9 services. The commissioner shall review the county or tribal
475.10 social services expenditures annually using reports required
475.11 under sections 245.482, 256.01, subdivision 2, paragraph 17, and
475.12 256E.08, subdivision 8, to ensure that the base level of
475.13 expenditures for preventive child welfare services is continued
475.14 from sources other than the federal funds earned under this
475.15 section.
475.16 (b) The commissioner may reduce, suspend, or eliminate
475.17 either or both of a county's or tribal social services'
475.18 obligations to continue the base level of expenditures and to

475.19 expand child welfare preventive services if the commissioner
475.20 determines that one or more of the following conditions apply to
475.21 that county or reservation:
475.22 (1) imposition of levy limits that significantly reduce
475.23 available social service funds;
475.24 (2) reduction in the net tax capacity of the taxable
475.25 property within a county or reservation that significantly
475.26 reduces available social service funds;
475.27 (3) reduction in the number of children under age 19 in the
475.28 county or reservation by 25 percent when compared with the
475.29 number in the base year using the most recent data provided by
475.30 the state demographer's office; or
475.31 (4) termination of the federal revenue earned under this
475.32 section.
475.33 (c) The commissioner may suspend for one year either or
475.34 both of a county's or tribal social services' obligations to
475.35 continue the base level of expenditures and to expand child
475.36 welfare preventive services if the commissioner determines that
476.1 in the previous year one or more of the following conditions
476.2 applied to that county or reservation:
476.31 (e) For the counties and tribal social services beginning
476.32 to claim federal reimbursement for services under this section
476.33 and section 256B.094, the base year is the calendar year ending
476.34 at least two calendar quarters before the first calendar quarter
476.35 in which the county provider begins claiming reimbursement. For
476.36 the purposes of this section, the base level of expenditures is
477.1 the level of county or tribal social services expenditures in
477.2 the base year for eligible child welfare preventive services
477.3 described in this subdivision.

483.25 Subd. 1d. [RELATIVE SEARCH; NATURE.] (a) As soon as
483.26 possible, but in any event within six months after a child is
483.27 initially placed in a residential facility, the local social
483.28 services agency shall identify any relatives of the child and
483.29 notify them of the need for a foster care home for the child and
483.30 of the possibility of the need for a permanent out-of-home
483.31 placement of the child. Relatives should also be notified that
483.32 a decision not to be a placement resource at the beginning of
483.33 the case may affect the relative being considered for placement
483.34 of the child with that relative later. The relatives must be
483.35 notified that they must keep the local social services agency
483.36 informed of their current address in order to receive notice
484.1 that a permanent placement is being sought for the child. A
484.2 relative who fails to provide a current address to the local
484.3 social services agency forfeits the right to notice of the
484.4 possibility of permanent placement. If the child's parent
484.5 refuses to give the responsible social services agency
484.6 information sufficient to identify relatives of the child, the
484.7 agency shall determine whether the parent's refusal is in the
484.8 child's best interests. If the agency determines the parent's
484.9 refusal is not in the child's best interests, the agency shall
484.10 file a petition under section 260.131, and shall ask the

484.11 juvenile court to order the parent to provide the necessary
484.12 information.
484.13 (b) Unless required under the Indian Child Welfare Act or
484.14 relieved of this duty by the court because the child is placed
484.15 with an appropriate relative who wishes to provide a permanent
484.16 home for the child or the child is placed with a foster home
484.17 that has committed to being the permanent legal placement for
484.18 the child and the responsible social services agency approves of
484.19 that foster home for permanent placement of the child, when the
484.20 agency determines that it is necessary to prepare for the
484.21 permanent placement determination hearing, or in anticipation of
484.22 filing a termination of parental rights petition, the agency
484.23 shall send notice to the relatives, any adult with whom the
484.24 child is currently residing, any adult with whom the child has
484.25 resided for one year or longer in the past, and any adults who
484.26 have maintained a relationship or exercised visitation with the
484.27 child as identified in the agency case plan. The notice must
484.28 state that a permanent home is sought for the child and that the
484.29 individuals receiving the notice may indicate to the agency
484.30 their interest in providing a permanent home. The notice must
484.31 state that within 30 days of receipt of the notice an individual
484.32 receiving the notice must indicate to the agency the
484.33 individual's interest in providing a permanent home for the
484.34 child or that the individual may lose the opportunity to be
484.35 considered for a permanent placement. This notice need not be
484.36 sent if the child is placed with an appropriate relative who
485.1 wishes to provide a permanent home for the child.

501.6 Subd. 6. [DETERMINATION OF ELIGIBILITY FOR ENROLLMENT OR
501.7 MEMBERSHIP IN A FEDERALLY RECOGNIZED AMERICAN INDIAN TRIBE.] The
501.8 state registrar shall provide a copy of an adopted person's
501.9 original birth certificate to an authorized representative of a
501.10 federally recognized American Indian tribe for the sole purpose
501.11 of determining the adopted person's eligibility for enrollment
501.12 or membership in the tribe.

501.13 Sec. 41. Minnesota Statutes 1998, section 260.011,
501.14 subdivision 2, is amended to read:

501.15 Subd. 2. (a) The paramount consideration in all
501.16 proceedings concerning a child alleged or found to be in need of
501.17 protection or services is the health, safety, and best interests
501.18 of the child. In proceedings involving an American Indian
501.19 child, as defined in section 257.351, subdivision 6, the best
501.20 interests of the child must be determined consistent with
501.21 sections 257.35 to 257.3579 and the Indian Child Welfare Act,
501.22 United States Code, title 25, sections 1901 to 1923. The
501.23 purpose of the laws relating to juvenile courts is to secure for
501.24 each child alleged or adjudicated in need of protection or
501.25 services and under the jurisdiction of the court, the care and
501.26 guidance, preferably in the child's own home, as will best serve
501.27 the spiritual, emotional, mental, and physical welfare of the
501.28 child; to provide judicial procedures which protect the welfare
501.29 of the child; to preserve and strengthen the child's family ties

501.30 whenever possible and in the child's best interests, removing
501.31 the child from the custody of parents only when the child's
501.32 welfare or safety cannot be adequately safeguarded without
501.33 removal; and, when removal from the child's own family is
501.34 necessary and in the child's best interests, to secure for the
501.35 child custody, care and discipline as nearly as possible
501.35 child custody, care and discipline as nearly as possible
501.36 equivalent to that which should have been given by the parents.

502.1 (b) The purpose of the laws relating to termination of
502.2 parental rights is to ensure that:

502.3 (1) when required and appropriate, reasonable efforts have
502.4 been made by the social service services agency to reunite the
502.5 child with the child's parents in a placement home that is safe
502.6 and permanent; and

502.7 (2) if placement with the parents is not reasonably
502.8 foreseeable, to secure for the child a safe and permanent
502.9 placement, preferably with adoptive parents or a fit and willing
502.10 relative through transfer of permanent legal and physical
502.11 custody to that relative.

502.12 Nothing in this section requires reasonable efforts to be
502.13 made in circumstances where the court has determined that the
502.14 child has been subjected to egregious harm or the parental
502.15 rights of the parent to a sibling have been involuntarily
502.16 terminated.

502.17 The paramount consideration in all proceedings for the
502.18 termination of parental rights is the best interests of the
502.19 child. In proceedings involving an American Indian child, as
502.20 defined in section 257.351, subdivision 6, the best interests of
502.21 the child must be determined consistent with the Indian Child
502.22 Welfare Act of 1978, United States Code, title 25, section 1901,
502.23 et seq.

508.31 Subd. 13. [RELATIVE.] "Relative" means a parent,
508.32 stepparent, grandparent, brother, sister, uncle, or aunt of the
508.33 minor. This relationship may be by blood or marriage. For an
508.34 Indian child, relative includes members of the extended family
508.35 as defined by the law or custom of the Indian child's tribe or,
508.36 in the absence of laws or custom, nieces, nephews, or first or
509.1 second cousins, as provided in the Indian Child Welfare Act of
509.2 1978, United States Code, title 25, section 1903. For purposes
509.3 of dispositions, relative has the meaning given in section
509.4 260.181, subdivision 3. child in need of protection or services
509.5 proceedings, termination of parental rights proceedings, and
509.6 permanency proceedings under section 260.191, subdivision 3b,
509.7 relative means a person related to the child by blood, marriage,
509.8 or adoption, or an individual who is an important friend with
509.9 whom the child has resided or had significant contact.

Chapter 216

S.F No. 2221, 3rd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/15/99

- 1.1 A bill for an act
- 1.2 relating to the operation of state government; crime
- 1.3 prevention and judiciary finance;
- 13.47 Subd. 3. Crime Victims
- 13.48 Assistance
- 13.49 11,491,000 29,402,000
- 13.50 The executive director of the center
- 13.51 and the commissioner of human services
- 13.52 shall, in consultation with affected
- 13.53 parties, report by October 15, 1999, to
- 13.54 the governor, the commissioner of
- 13.55 finance, and appropriate legislative
- 13.56 committee chairs, on a complete plan
- 13.57 and legislation necessary for
- 13.58 implementation of the transfer of
- 13.59 payments to battered women's shelters
- 13.60 from the department to the center
- 14.1 effective July 1, 2000. The plan must
- 14.2 not exceed funding appropriated for
- 14.3 that purpose in fiscal year 2001 and
- 14.4 shall assume funding at that same level
- 14.5 for the following biennium.
- 14.27 \$103,000 the first year and \$103,000
- 14.28 the second year are for grants under
- 14.29 Minnesota Statutes, section 611A.32, to
- 14.30 an American Indian battered women's
- 14.31 shelter in the city of Duluth.
- 22.23 Sec. 14. CORRECTIONS OMBUDSMAN 470,000 400,000
- 22.24 If the reduction in the base level
- 22.25 funding causes a reduction in the
- 22.26 number of employees, then the
- 22.27 commissioner of corrections and
- 22.28 commissioner of public safety shall
- 22.29 make reasonable efforts to transfer the
- 22.30 affected employees to positions within
- 22.31 the department of corrections or
- 22.32 department of public safety.
- 83.35 Subd. 4a. [LEVEL III OFFENDERS; LOCATION OF
- 83.36 RESIDENCE.] When an offender assigned to risk level III is
- 84.1 released from confinement or a residential facility to reside in
- 84.2 the community or changes residence while on supervised or
- 84.3 conditional release, the agency responsible for the offender's
- 84.4 supervision shall take into consideration the proximity of the
- 84.5 offender's residence to that of other level III offenders and,
- 84.6 to the greatest extent feasible, shall mitigate the
- 84.7 concentration of level III offenders.

84.8 Sec. 6. Minnesota Statutes 1998, section 253B.185, is
84.9 amended by adding a subdivision to read:
84.10 Subd. 5. [FINANCIAL RESPONSIBILITY.] (a) For purposes of
84.11 this subdivision, "state facility" has the meaning given in
84.12 section 246.50.
84.13 (b) Notwithstanding sections 246.54, 253B.045, and any
84.14 other law to the contrary, when a petition is filed for
84.15 commitment under this section pursuant to the notice required in
84.16 section 244.05, subdivision 7, the state and county are each
84.17 responsible for 50 percent of the cost of the person's
84.18 confinement at a state facility or county jail, prior to
84.19 commitment.
84.20 (c) The county shall submit an invoice to the state court
84.21 administrator for reimbursement of the state's share of the cost
84.22 of confinement.
84.23 (d) Notwithstanding paragraph (b), the state's
84.24 responsibility for reimbursement is limited to the amount
84.25 appropriated for this purpose.
84.26 Sec. 7. Minnesota Statutes 1998, section 256.01,
84.27 subdivision 2, is amended to read:
84.28 Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of
84.29 section 241.021, subdivision 2, the commissioner of human
84.30 services shall:
85.26 (g) enter into contractual agreements with federally
85.27 recognized Indian tribes with a reservation in Minnesota to the
85.28 extent necessary for the tribe to operate a federally approved
85.29 family assistance program or any other program under the
85.30 supervision of the commissioner. The commissioner shall consult
85.31 with the affected county or counties in the contractual
85.32 agreement negotiations, if the county or counties wish to be
85.33 included, in order to avoid the duplication of county and tribal
85.34 assistance program services. The commissioner may establish
85.35 necessary accounts for the purposes of receiving and disbursing
85.36 funds as necessary for the operation of the programs.

101.19 Sec. 23. [CULTURALLY APPROPRIATE SERVICES FOR JUVENILES.]
101.20 Subdivision 1. [IDENTIFICATION OF BEST PRACTICES
101.21 REQUIRED.] The commissioners of corrections and human services
101.22 shall study issues involving providing culturally appropriate
101.23 screening, assessment, case management, and direct services for
101.24 juveniles in juvenile court. The commissioners shall identify a
101.25 set of best practices in these areas and make these recommended
101.26 best practices available to the staffs of juvenile residential
101.27 facilities and counties.
101.28 Subd. 2. [REPORT.] By January 15, 2001, the commissioners
101.29 of corrections and human services shall report their findings
101.30 and recommendations to the chairs and ranking minority members
101.31 of the senate and house committees having jurisdiction over
101.32 issues related to criminal justice, civil law, and human
101.33.1.1 services.