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2001 ANNUAL REPORT

Indian Affairs Council



STATE OF MINNESOTA

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2001

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Minn. Stat. 3.922

IN 1976 TRIBAL CHAIRS OF THE ELEVEN SOVEREIGN TRIBES BECAME MEMBERS OF THE MINNESOTA INDIAN AFFAIRS COUNCIL BY VIRTUE OF THEIR POSITION OF THEIR RESPECTIVE RESERVATIONS.

RESOLUTION 72078

WHEREAS the term "Native American" is sometimes used in reference to American Indian people, and

WHEREAS any person born in the United States is a Native American and not necessarily an American Indian, and

WHEREAS many Indians believe it is inappropriate and offensive to refer to an American Indian as a Native American, and

WHEREAS the Constitution of the United States uses the term Indian in reference to tribes and tribal members, and

NOW THEREFORE BE IT RESOLVED that the Minnesota Indian Affairs Intertribal Board hereby deplores the use of the term "Native American" when used in reference to American Indians, and

BE IT FURTHER RESOLVED that the Board officially requests Minnesota news media and agencies of government to refer to members of federally recognized tribes as "American Indians" or "Indians, and

BE IT FURTHER RESOLVED that the staff is directed to distribute copies of this resolution to the appropriate people.

Raymond J. J. J.
Chairman

Verne H. H.
Secretary

July 20, 1978
Date

The above resolution was adopted on a vote of ten for and none against at a meeting of the Minnesota Indian Affairs Intertribal Board at the State Government Center in Bemidji on July 20, 1978.

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The Duties of the Minnesota Indian Affairs Council

- ♦ 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.
 - ♦ Act 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.
-

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.

Executive Board

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Urban Indian Advisory Council

The Minnesota Urban Indian Advisory Council (UIAC) represents the urban Indian population in the State of Minnesota. Members include two representatives from St. Paul, two from Minneapolis, one from Duluth, and a newly established position for the City of Bemidji, Minnesota. The position was discussed at an open forum conducted in Bemidji with community members and the Bemidji representative position became reality as a direct result of the UIAC's efforts.

The Urban Indian Advisory Council works with urban communities to determine what the issues are that affect their Indian populations. Public hearings were held in Bemidji, Duluth, Minneapolis and St. Paul. This information was compiled and disseminated to Tribal leaders and community activists in the urban areas and can be used as a basis for new legislation that affects the Indian population of Minnesota.

Also, on the Urban Indian Advisory agenda was a commitment to work with the Minnesota Housing Finance Agency to procure additional dollars from the Minnesota legislature for the Urban Indian Housing program, which proved successful.

The Urban Indian Advisory Council worked with the Executive Committee of the Board of Directors of the Minnesota Indian Affairs Council and as a result, the chair of the Urban Indian Advisory Council will attend the Executive Committee meetings of the Indian Affairs Council.

The Council's members are committed to advocating issues and bringing them to the attention of the Minnesota Indian Affairs Council as part of their mission as a committee. With that in mind the council attended and participated in a strategic planning workshop to better identify the role of the council and create goals and objectives for the biennium.

Urban Advisory Council Members

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Liaison Role

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

Liaisons

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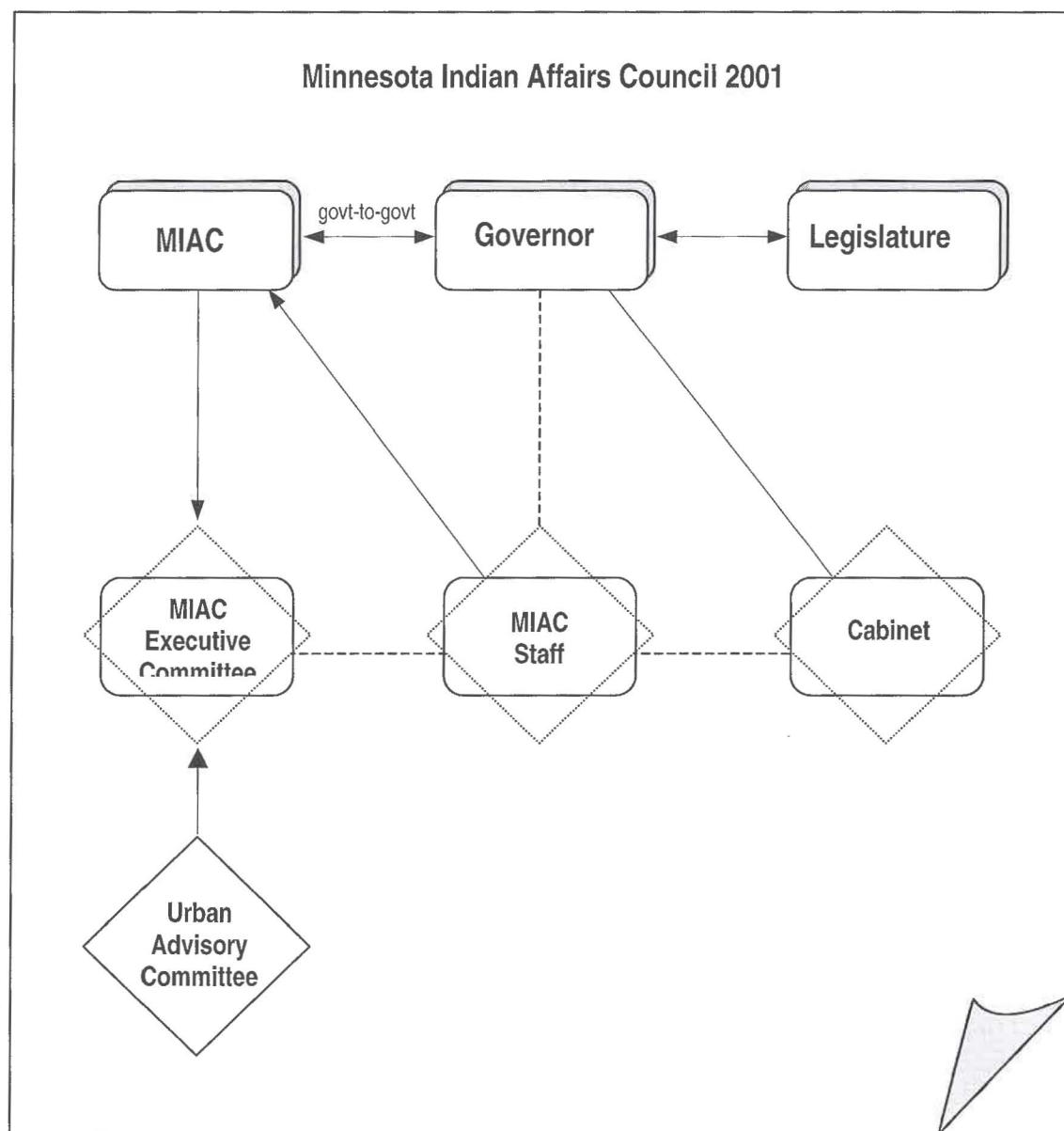
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- ♦ Laura Theroux ~ Indian Business Loan
- ♦ Katherine Pemberton ~ Economic Opportunity Specialist 3
- ♦ June Kendall ~ Office Administrative Specialist
- ♦ Sherryl Wright ~ Office Administrative Specialist Senior

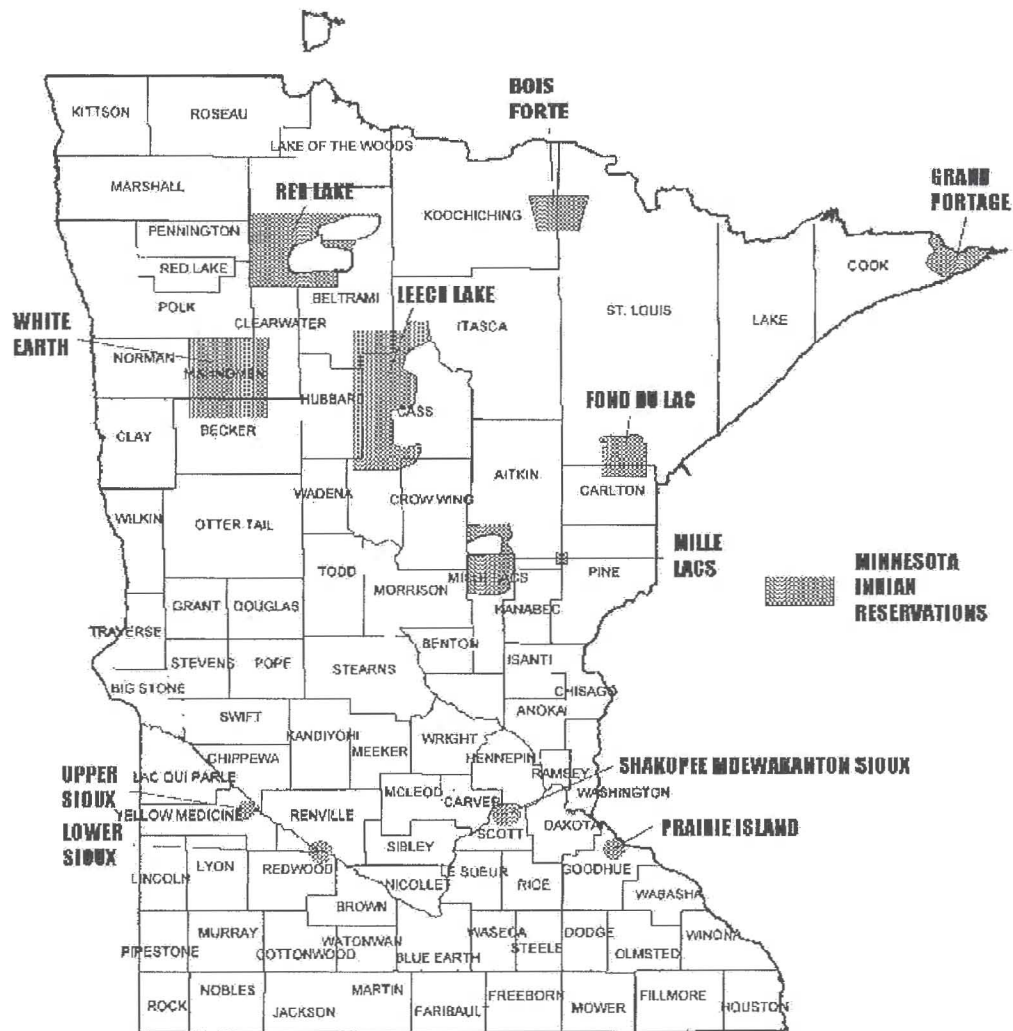
St. Paul Office - Legislative Program

- ♦ Sharon Romano ~ Staff Assistant

Organizational Chart



Map of Minnesota Indian Reservations (approximations)



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 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.

Red Lake Nation

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 continues 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 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 mid-1880 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 Indian Reorganization Act (IRA) in the 1930's

Demographics

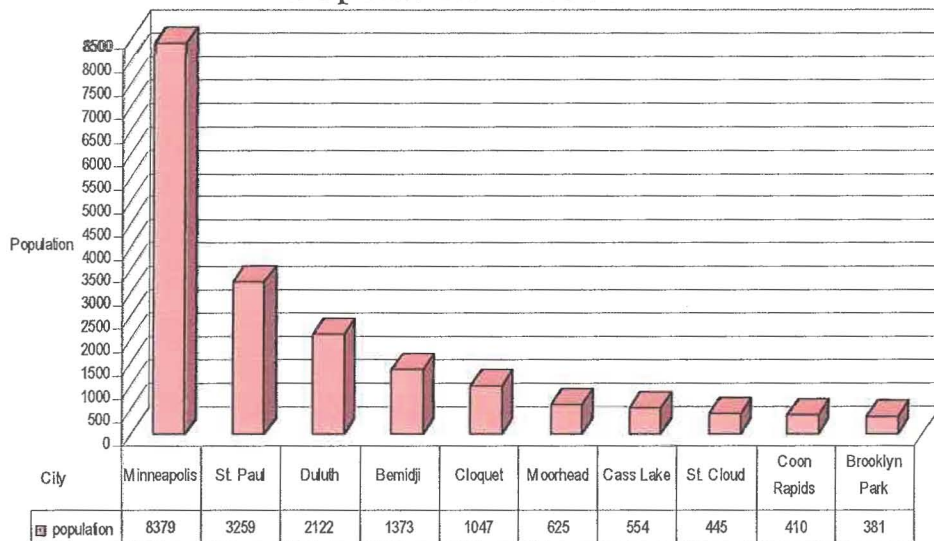
Many who identify as American Indian or Alaska Native also select another race. Estimates of growth for Minnesota's American Indian and Alaska Native populations vary greatly depending on which numbers are used. In 1990, there were 49,909 American Indians, Eskimos and Aleuts, most of them American Indians. In 2000 about 55,000 Minnesotans identified themselves as American Indian or Alaska Native only, but an additional 27,000 described themselves as American Indian or Alaska Native in combination with another race. Multiple race identifications are much more likely among people marking American Indian than among those who identified as Asian or African American.

The majority of Minnesota's American Indian and Alaska Native along population almost 64% live outside the Twin Cities region, many on reservations or other historically Indian areas in northern Minnesota. About 71% live in either Minneapolis or St. Paul. The remaining 26% live in suburbs in the Twin Cities area, the smallest suburban presence of any nonwhite racial group.

in suburbs in the Twin Cities area, the smallest suburban presence of any nonwhite racial group. Communities with large numbers of American Indian residents include Duluth, Bemidji and Cloquet, all in northern Minnesota.

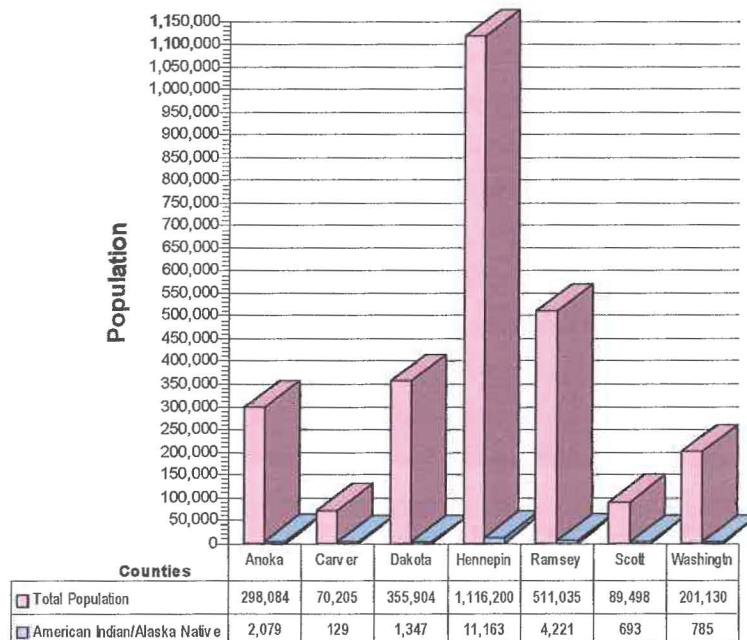
The percentage of Minnesotans, who identified themselves as American Indian or Alaska Native alone 1.1%, was a bit higher than the national average, 0.9%. The Alaska Native and American Indian populations are most concentrated in the west. Alaska, New Mexico and South Dakota have the highest proportions.

Minnesota Cities With Largest American Indian/Alaska Native Alone Population in 2000

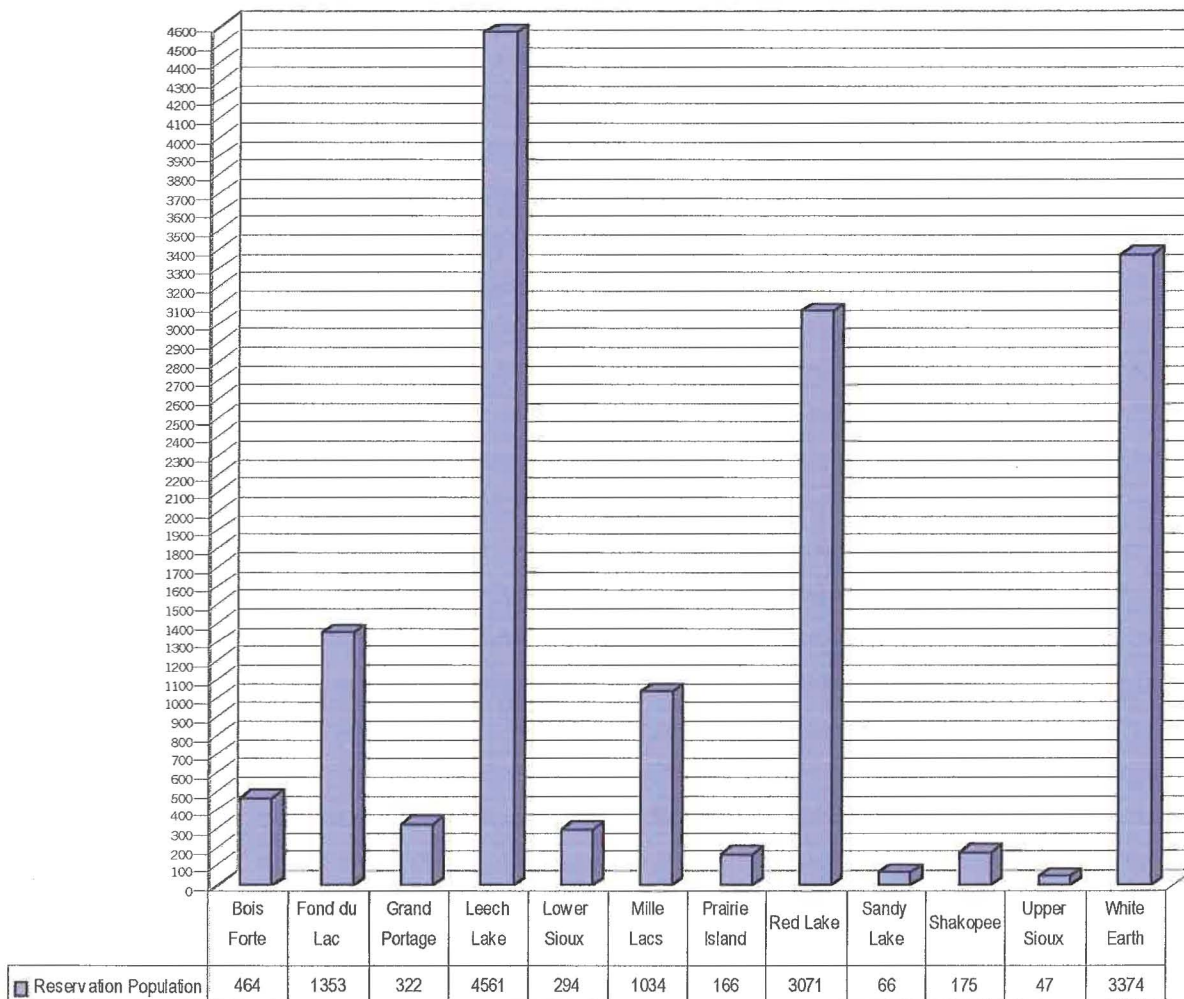


Minnesota State Demographic Center - May 2001

Seven County Metro Area - 2000 Census Data

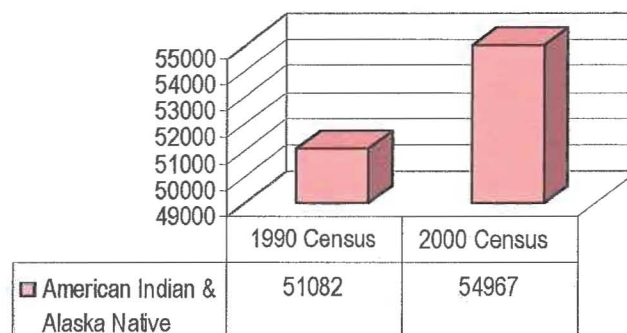


American Indian & Alaska Native Alone Population on American Indian Reservations in Minnesota



Minnesota State Demographic Center - May 2001

Total American Indians and Alaskan Natives



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

(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

Minnesota Family Investment Program (MFIP)

November 1998 Total Minnesota Cases - 46,013

November 1998 American Indian Cases - 4,170

(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

MnCare

Jan-Dec 1998 Total MnCare Recipients - 104,000

Jan-Dec 1998 Total American Indians Receiving MnCare - 719

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

"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.

Policy Issues

Through treaties, agreements and court decisions, American Indian tribes have retained 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.

Average Unemployment Rates for Minnesota Reservations



Source: 1997 BIA Labor Force Reports

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.

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.

Racial Profiling

Racial profiling has been in the national for front this year, Minnesota was no exception. The Indian Affairs Council was active in a task force prior to this year's legislative session. Testimony from the Indian community is on record in the Senate hearing minutes. The law that was passed certainly was what we had hoped for and is a beginning for what our community feels is an element of a major problem-RACISM. We work with the Attorney General and agencies that are mandated to manage the issue. The strategy that was put in place to accomplish the effort with budget is to market the awareness of the problem through tribal news papers and posters at our community centers to get the word out as how to report a claim so the Attorney General can review the complaint and proceed as necessary.

Diabetes

Diabetes has reached epidemic proportions among Minnesota's American Indians. In 1991-1993, the age-adjusted diabetes mortality rate for American Indians and Alaska Natives in the Indian Health Service (IHS) was 41.4 per 100,000 (Department of Health and Human Services, 1998-1999), 348% more than the 11.9 rate of all U.S. races. It is estimated that 33% of adults ages 25 and over are diabetic (Centers for Disease Control, 1996). The state of Minnesota American Indian diabetes rate is 600% greater than the general state population. It is widely recognized that American Indians do not seek medical care or diabetic support until their conditions become acute, largely due to cultural barriers. The culturally specific services you propose are sorely needed.

Throughout the Twin Cities, the Upper Midwest American Indian Center (UMAIC) is widely known as a reputable, multi-service, non-profit agency, which has served the community since the late 1930s. UMAIC has provided a wide range of supportive programming designed to enhance the quality of life for American Indian families and has been instrumental in the development of new and spin-off programs from within the agency which continue to serve our community today. We have every confidence that the "Family Wellness Educator Project" you propose will be culturally specific and find a successful home at your agency.

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.

Specific Programs

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 Tribal Council decides how much of its available funds will be used for this purpose.

In fiscal year 2001, the mineral tax collected and deposited into the Indian Business Loan account totaled \$117,017. Interest earned and collected from the State Treasury deposited to our account in FY 2001 totaled \$81,282. Loan payments returned to the revolving loan fund totaled \$69,787.

The first Indian business loan was approved in June of 1981. Through June 30, 2001, 201 loans have been made totaling \$2,353,086 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.

Accomplishments - FY 2001

- ♦ Installed loan-tracking program to enhance & ensure accurate business loan accounting.
- ♦ Eleven loans were approved and disbursed totaling \$648,392.
- ♦ Active participant in development and writing of a grant application to the US Small Business Administration for Business Linc in Indian Country (Funding was dropped by new administration).
- ♦ Active participant in FDIC lending in Indian Country focus groups.

- ♦ Active participant in development of a Uniform Commercial Code for the Red Lake Nation.
- ♦ Participated in several "Going into Business" workshops across the State for potential Indian entrepreneurs.
- ♦ Participant in Minority Small Business Round Table discussions led by Senator Wellstone.
- ♦ Active participant in the Minnesota Foundation's Grant Steering Committee for closing the Digital Divide in Indian Country.

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 most recent census count. In most instances, grant awards do not begin to meet the needs of most reservations. Base funding is also provided to each reservation grantee. 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 Government grantee is required to submit a work plan/budget, prioritized goals, objectives, & measurable outcomes, 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 and Minnesota Economic Opportunity Program and follow federal regulations, instructions and policy performance standards. State agencies develop plans and monitor the programs in the most efficient and accountable manner.

Goals and Objectives of the Indian Economic Opportunity Program

Each reservation's government determines which unique 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 are made two times a year to

monitor contract status of current contracts this requirement is to verify that each grantee is progressing successfully and reporting in a timely manner.

During the past year, several changes have been made in the EOG grant application. These changes include electronic filing of grant in an effort to expedite funding, using a pre-review process. The development of a mission statements, agency goals, strategies, measurable results, coordination plan, collaboration and evaluation process and 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 and Minnesota Indian Affairs Council.

Activities

This is the 17th year the Community Services Block Grant has funded the position of Economic Opportunity Specialist. 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.

Special Projects

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 Projects." The Indian Affairs Council acts as an incubator for these special projects. 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 and to analyze and evaluate the results as they relate 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 sub grant 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.

Cultural Resource Program

The Minnesota Indian Affairs Council has a moral and legal responsibility to monitor and ensure enforcement of federal and state laws to protect American Indian human remains and associated burial items. The council provides this protection under the Minnesota Cemetery Act Statute 307.08 and the Native American Graves Protection and Repatriation Act, Public Act 101.601.

The purpose of this federal law is to return certain objects to tribes; these four (4) categories include the following:

- ♦ 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.).

Of the 3000 human remains attained by the MIAC in 1989, 436 remain for reburial. The breakdown is as follows:

Ojibwe	9	
Mille Lacs	17	
White Earth	3	(Reburied 11/14/01)
Iowa/Otoe	117	(Reburied 8/7/01)
Federal	8	
Non-MN	207	
*New Cases	75	

*Remains acquired by the MIAC since 1995

The MIAC continues to be the repository for human remains from state agencies, public museums, private individuals and institutions and will continue the process for proper disposition.

Indian Affairs Council–FY 2001 Budget and Expenditures

Direct Appropriations FY 2001

Indian Affairs Council

<u>Item</u>	<u>Budget</u>	<u>Expenditures</u>
General Operations		
Personnel	371,573	371,573
Operations/Travel	240,241	240,037
Sub-Total	611,814	611,610
Over/(Under) Budget		(204)

Indian Affairs Board

Board Compensation	1,650	1,705
Travel/Mtg	8,915	8,860
Sub-Total	10,565	10,565

Cultural Resources

Operations/Travel	42,431	42,431
Sub-Total	42,431	42,431

Total Direct Appropriations	664,810	664,606
Over/(Under) Budget		(204)

(Budget Balance Forward includes carry-over of \$98,650 from FY2000)

Special Revenue

Indian Business Loan Fund

Loans	1,566,268	649,016
Operations	50,000	6,625
Total Business Loan Fund	1,616,268	655,641

(Balance Forward - FY 2002 - 1,243,496)

Indian Economic Opportunity Program

Salary/Travel	60,000	60,000
Total Federal Funds	60,000	60,000

Agency Total - Indian Affairs Council	2,341,078	1,380,246
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2003-2004 Biennial Budget

Agency: Indian Affairs Council				FY 2003		FY 2004		Biennial Change 2003-04 Gov/2001-02	
Agency Summary Dollars in Thousands)	Actual FY2000	Actual FY 2001	Budgeted FY 2002	Base	Agency Request	Base	Agency Request	Dollars	Percent
Expenditures By Agency Indian Affairs Council	701	1,380	721	936	936	948	948	(217)	(10.3%)
Total Expenditures	701	1,380	721	936	936	948	948	(217)	(10.3%)

Financing by Fund:								
Direct Appropriations:								
General	453	664	584	602	602	614	614	
Statutory appropriations:								
General	0	0	0	0	0	0	0	0
Misc. Special Revenue	159	656	75	274	274	274	274	274
Federal	89	60	60	60	60	60	60	60
Gift	0	0	2	0	0	0	0	0
Total Expenditures	701	1,380	721	936	936	948	948	

FTE by Employee Type:								
Full-Time	6.1	8	8	8	8	8	8	
Part-Time/Season, Labor	1	0	0					
Total Full-Time Equivalent	7.1	8	8	8	8	8	8	

2001 MINNESOTA LEGISLATIVE SESSION

Legislation Affecting American
Indian and Tribal Government

2001 MINNESOTA

LEGISLATIVE REPORT

H.F. 0655 passed on 5-17-01. Companion bill SF1277

H.F. No.655, 3rd Engrossment: 82nd Legislative Session (2001-2002) Posted on 5/21/01

- 1.1 A bill for an act
- 1.2 relating to unemployment insurance; making technical
- 1.3 and substantive changes; modifying unemployment
- 1.4 compensation provisions for Indian tribes; providing
- 1.5 for workers' compensation and disability insurance
- 1.6 offsets of unemployment benefits payments providing
- 1.7 that certain applicants on leaves of absence are
- 1.8 ineligible for benefits; modifying definitions;
- 1.9 clarifying procedures; providing eligibility for
- 1.10 benefits for certain victims of domestic abuse;
- 1.11 instructing the revisor to renumber sections and
- 1.12 change terms; amending Minnesota Statutes 2000

The following bill would have changed language to include other low-income communities to participate in the Head Start program. The language wasn't changed therefore nothing happened to lessen the amount of monies granted to Indian programs.

2001 Family and Early Childhood Education Omnibus bill H.F. 4

- 1.1 A bill for an act
- 1.2 relating to education; providing for family and early
- 1.3 childhood education, children and family support
- 1.4 programs, prevention, and self-sufficiency and
- 1.5 lifelong learning; providing for kindergarten through
- 1.6 grade 12 general education,

S. F. 1206 passed. Companion bill H.F.1687.

S.F. No.1206, as introduced: 82nd Legislative Session (2001-2002) Posted on Feb 28, 2001

- 1.1 A bill for an act
- 1.2 relating to Indian affairs council; adding one member
- 1.3 to the advisory council; amending Minnesota Statutes
- 1.4 2000, section 3.922, subdivision 8.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2000, section 3.922,
- 1.7 subdivision 8, is amended to read:
- 1.8 Subd. 8. [ADVISORY COUNCIL.] An advisory council on urban
- 1.9 Indians shall advise the board on the unique problems and

-
- 1.10 concerns of Minnesota Indians who reside in urban areas of the
1.11 state. The council must be appointed by the board and consist
1.12 of six Indians residing in the vicinity of Minneapolis,
1.13 St. Paul, Bemidji, and Duluth. At least one member of the council
1.14 must be a resident of each city. The terms, compensation, and
1.15 removal of members are as provided in section 15.059, but the
1.16 expiration dates provided in that section do not apply.

S.F. 1243 rolled over into SF2361. Companion bill H.F. 1324 Long-term care provisions modifications.

S.F. No.1243, as introduced: 82nd Legislative Session (2001-2002) Posted on Mar 1, 2001

- 1.1 A bill for an act
1.2 relating to human services; modifying provisions for
1.3 long-term care; amending Minnesota Statutes 2000,
1.4

S.F. 1263 passed. Companion H.F. 1869. Multimember agencies expiration dates modifications or repeal. Technical changes. This bill extended sunset dates on State Indian Advisory committees.

Omnibus K-12 Education Bill H.F. 2

Article 2, sections 42,43,44,45,46 – Language changes – changing American Indian Language and culture education programs to American Indian education programs.

Article 2, section 42- Directs the commissioner to submit all grants proposals to the state advisory committee on American Indian education programs instead of the state advisory task force.

Article 2, section 49 Requires Indian Scholarships to be used only at accredited Minnesota schools but extends the provision to include those schools in candidacy status for obtaining accreditation, that are eligible and receive federal funds.

Base funding for all American Indian education programs continued with the exception of a \$250,000 yearly increase in funding for the Success for the Future programs.

The final K-12 bill provides:

- \$2,520,000 in 2002 and \$2,767,000 in 2003 for Tribal contract schools
- \$68,000 in both 2002 and 2003 for ECFE at Tribal schools.
- \$1,875,000 in each year for the American Indian Scholarships program
- \$73,000 in 2002 for American Indian language and culture education programs.
- \$2,047,000 in 2002 and \$2,137,000 in 2003 for Success for the Future funding.
- \$17,000 in 2002 for certain Indian education programs in school districts.
- \$190,000 in 2002 and 2003 for Indian Teacher Preparation Grants.

S.F. 4 Omnibus health, human services and corrections appropriations.

MFIP changes are found in Article 10. Below is a brief summary of changes:

Review of the participant's case within 60 to 180 days before the end of the 60-month MFIP cash assistance program. Review is for determining appropriateness of employment plan, exemptions from work requirements, examination of accrued TANF months, hardship extensions, and other resources available to meet their family needs, to and review the right to appeal.

HARDSHIP EXTENSION Eligibility:

- Certified illness, injury or disability for longer than 30 days
- Required home caregiver because of the illness or injury of a household member or member is qualified disabled.
- Diagnosis of mentally ill or mentally retarded;
- Assessed by a vocational specialist to be unemployable or employable but with an IQ below 80, or learning disabled.

Additional extensions for those who do not qualify in above categories but are in compliance 10 to 12 months preceding 61st month:

A single-parent family in which the participant is in work activities for at least 30 hours per week, averaging 25 work hours per week every month in employment.

A two-parent family in which the participants are in work activities for at least 55 hours per week, averaging at least 45 hours per week every month in employment.

EXTENSIONS for employed participants expire on June 30, 2004.

Participants who received a time limit exemption due to a personal or family crisis in the previous 60 months and who do not meet the above extension criteria are eligible to be extended for the number of months they were exempted in the previous 60.

Counties may make a request to DHS for an extension for a category of participants that are not extended under the above criteria, but only if it concerns the participants whose MFIP requirements conflict with other statutory requirements or obligations.

Participants in hardship extension receive a 10 percent sanction for the first instance of noncompliance and a 30 percent sanction for a second and third noncompliance. At the fourth occurrence, the participant is disqualified.

SANCTIONS:

30 percent sanctions – a county must review the case to determine appropriateness of employment plan and attempt a face-to-face meeting. Other stipulations apply. The county may modify the policy by implementing one of the following sanctions for the 6th or subsequent occurrence of noncompliance

Vender payment of shelter or utility costs up to the amount of the cash grant. Remainder of grant is reduced to zero; Disqualification of the family from receiving MFIP, both cash and food portions.

Options Coalition.

H.F. 1 Omnibus tax bill.

Relating to designated housing projects within Native American Indian reservations exempted from property taxes.

S.F.9 Omnibus state department appropriations.**The following bill passed:**

Relates to tribal police departments exercising state arrest powers authorized to receive police state aid. Purpose of the program is to reimburse departments for the average cost per officer of the employer contribution to the PERA Police and Fire Fund. The current reimbursement amount is slightly over \$6,000 per officer.

H.F. 5 Omnibus Economic Development, Housing, and other State Department Appropriations.

The following bill passed: Money appropriated for the biennium is 374,000.00. To fund the Urban Indian Housing program.

S.F. 4 Omnibus Health and Human Services and corrections appropriations.

Health Disparity Appropriations. The Minnesota Department of Minority Health will administer programs addressing Minority and American Indian Health Disparities in the State of Minnesota.

\$13.9 Million has been appropriated for the Health Initiative. The bill appropriates \$9.9 million over the biennium for grants to reduce health disparities among minority populations that will be divided among non-profits, community health boards and health clinics. Of the total appropriation, \$500,000 is set aside each year of the biennium for grants to Tribes to help reduce health disparities among Tribal members. The Commissioner of Health is also required to consult with Tribal governments regarding how best to use the grant funds to help American Indian populations.

The Commissioner of Health is authorized to contract with Tribes to serve as the lead agency for the administration of the Alternative Care program. The commissioner is also required to consult with Tribes regarding the distribution of Family Home Visiting funds. The bill contains a provision making Tribes eligible to apply for Community Clinic grants. In addition, the Mental Health Case Management program has been expanded to include Tribes.

Health Services:

MnCare coverage for American Indian Enrollees who are provided health care services at Indian Health Services and facilities. Article 2, Sec. 38, subd 34 – Medical Assistance Payments and MnCare payments to facilities of the Indian Health Services and facilities operated by a tribe or tribal organization for enrollees eligible for federal financial participation, shall be at the option of the facility in accordance with the rate published by the US Ass't Secretary of Health.

2001 Omnibus Tax Bill – H.F. 1

Article 1, section 2, subd. 9. Rebate for filers with federal taxable income. Provides a rebate to an individual who was a MN resident for any part of 1999, filed a federal tax return on or before December 31, 2001; had a least a \$1 federal taxable income; but does not qualify for the rebate because of having Minnesota tax liability. The rebate is the amount under the rebate schedule for the filing status of the individual, based on the individual's federal taxable income plus Minnesota additions – the same income measure used for determining rebates for individuals with Minnesota liability-. Dependents must report earned income to qualify for the rebate under this subd. and receive a rebate equal to 35 percent of the amount shown on the table for single filers.

ARTICLE 5: State takeover of county services. Reimbursement of county for certain out-of-home services. Beginning in calendar year 2003 provides a new aid to counties to reimburse them for a percent of the nonfederal cost of out-of-home placement. Approximately 30 percent take-over with trade off of county homestead tax credit. There is language in the bill allowing some reimbursement for the tribes.

S.F. 2001 Omnibus Transportation, Public Safety, and Criminal Justice Omnibus bill.

Article 4- one time appropriation of \$1 million each year for an increase in per diem funding for shelters. Only for current shelters and cannot be used for construction of new shelters or safe homes.

Article 10 – Domestic Violence provisions – Language in bill amends the penalty provisions of the order for protection, fifth degree assault, domestic assault and criminal enhancement laws to ensure they apply consistently to violations of similar laws of another state, the U.S., District of Columbia, tribal lands and US territories.

S.F. 4 2001 Omnibus Health and Human Services bill.

Chemical Dependency monies. Due to block grant money being contributed to the consolidated fund, no dollar amount increases will be given to existing grantee programs. There could be an impact such as cuts in 2004 and 2005. No across the board cuts in funding of present grantees at this time.

Reduction in Tier II eligibility, 60% state medium income to 215% of federal poverty guidelines/ 3% increase. Because of this reduction in eligibility – out of about 2,500 clients. 70 to 85 of clients per year will not be eligible for treatment programs. Tribes will have to pick up their costs or just not provide services to these individuals.

S.F. 4 Omnibus health, human services and corrections appropriations.

Included in this bill are the Walks Tall Program, Ombudsperson for corrections and the Ombudsperson for Indian Families Program which all retained base funding for the biennium. Included in this bill was the Community Preservation Unit program within the Department of Corrections

The Environment and Natural Resources committee was the first committee to complete its work during the Special Session. The final bill includes the provision authorizing cross-deputization of Tribal conservation officers. The language was amended to clarify that the state has no jurisdiction over Tribal member's hunting and fishing activities on trust lands unless a Tribe specifically consents otherwise.

H.F. 1 Omnibus tax bill.

Under current law, Tribes are required to make property tax payments on lands owned in fee by the Tribe. A provision lowering the tax rate for low and moderate income housing located on fee lands within a reservation and owned by a Tribal housing authority included in the Omnibus Tax bill. Low and moderate-income housing owned by housing and redevelopment authorities (HRA's) off-reservation is already exempt from property tax under state law. Instead, HRA's pay 5% of the sheltered rents that they receive as a payment in lieu of taxes. The new provision extends this same favorable tax treatment to low and moderate-income housing located on reservation fee lands and owned by Tribal housing authorities.

H.F. 5 Omnibus Economic Development, housing & other state agencies appropriations bill.

The Minnesota Indian Affairs Council retained base funding for the biennium. Amounts appropriated were \$584,000 in 2002 and \$602,000 in 2003.

INCLUDED in this bill were monies for the State OIC'S for the biennium. Appropriates \$250,000 for each of the next two years to operate. This includes Tribal OIC'S.

Chaplin reimbursement bill.

AMENDMENT: Rule-making authority.