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# MINNESOTA INDIAN AFFAIRS COUNCIL ANNUAL REPORT

NOVEMBER 15, 1986

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## State of Minnesota INDIAN AFFAIRS COUNCIL

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November 15, 1986

To the Governor and the Legislature of the State of Minnesota

It is my pleasure to submit to you the 1986 Annual Report of the Indian Affairs Council.

This report is due on November 15 of each year in compliance with M.S. 3.922, Subdivision 9, and copies are available to state agencies, tribal governments, institutions of higher learning and other interested parties.

/ submitted, Respectful

Roger Head

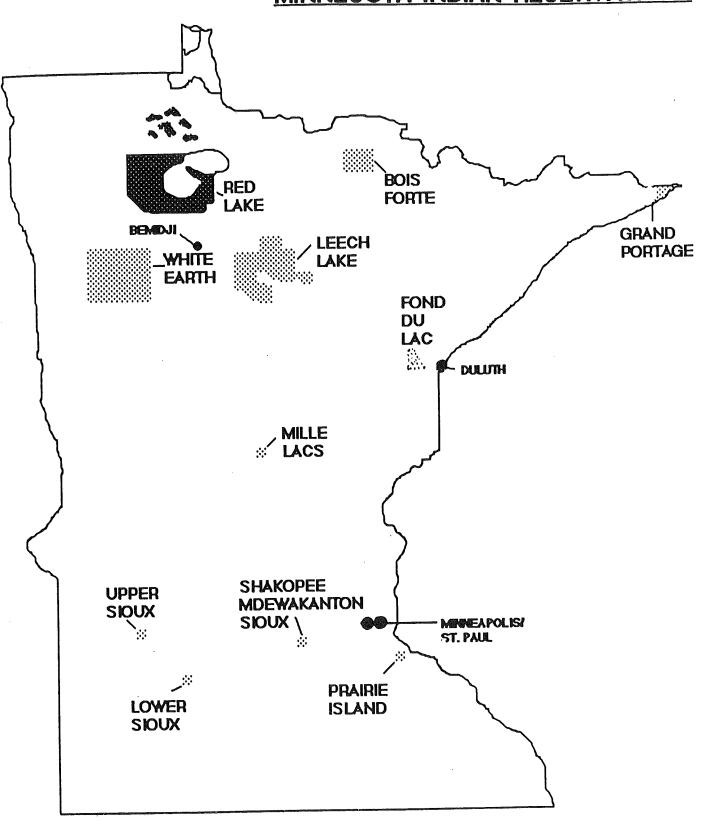
**Executive Director** 

## DEDICATION

The Minnesota Indian Affairs Council and staff wish to dedicate the 1986 annual report to Francis Moriarty, a long time friend and advocate, who is retiring from state service in January. Mr. Moriarty worked for Carver County Human Services and the Veterans Administration before entering state service in the field staff of Brainerd State Hospital in1958. He rose to the position of Director of Field Division and then to Assistant to the Commissioner of Human Services. From that position, in 1979, Francis became an exofficio member of the Indian Affairs council representing the Commissioner.

We have, as an agency and personally, been very fortunate to have had the opportunity to work with Mr. Moriarty and to profit from his counsel. It is to his credit that the Department of Human Services enjoys a positive relationship with tribal government and Indian people.

Congratulations on your retirement and, once again, Francis, thank you.



## MINNESOTA INDIAN RESERVATIONS

## TABLE OF CONTENTS

DEDICATION	ii
MAP	iii
INTRODUCTION	1
COUNCIL MEMBERSHIP	3
URBAN ADVISORY MEMBERSHIP	3
EX-OFFICO MEMBERSHIP	3
FINANCIAL REPORT	4
ORGANIZATIONAL CHART	5
AGENCY PROGRAM ACTIVITIES	6
INDIAN BURIAL	6
INDIAN BUSINESS LOAN	7
JOB TRAINING PARTNERSHIP ACT	8
ECONOMIC OPPORTUNITY	8
LEGISLATIVE SESSION REVIEW	9
STATE AGENCY UPDATE	10
DEPARTMENT OF HUMAN SERVICES	10
MINNESOTA HOUSING FINANCE AGENCY	11
INDIAN EDUCATION	12
INDIAN CHEMICAL DEPENDENCY	13

## **INTRODUCTION**

The Minnesota Indian Affairs Council, now in it's twenty-third year enjoys the distinction of being the first state Indian Affairs Council in the nation. Since its creation in 1963 the Minnesota Indian Affairs Council has become a model for many other state governments with significant numbers of Indian citizens.

Currently, as a result of the 1976 reorganization, the Council membership is open to the Chairmen of the eleven tribal governments within Minnesota. In addition, two at-large members who are elected in a statewide election by Minnesota Indians who are enrolled in reservations outside the boundaries of Minnesota.

The Bemidji office, staffed with a complement of six, includes within its service area; Red Lake, the six reservations of the Minnesota Chippewa Tribe (Leech Lake, White Earth, Mille Lacs, Fond du Lac, Bois Forte, Grand Portage), and the Duluth metropolitan area.

The St. Paul office provides service to the four Minnesota Sioux Tribes (Prairie Island, Shakopee, Upper Sioux, and Lower Sioux), as well as the St. Paul-Minneapolis and surrounding suburban areas. The St. Paul office has a full time staff of four.

The Advisory Council on Urban Indians, created in 1976 in response to the rapidly growing urban Indian community, this group advises the Council on the issues and concerns unique to the Urban Indian Community. The membership of five are appointed and serve at the discretion of the Council membership and represent Minneapolis, St. Paul and the Duluth areas.

The Urban Advisory Council provides representation of the issues and concerns of Indians who live in the Minnesota metropolitan areas. The UAC acts as a direct advisor to the full Indian Affairs Council and this year has provided valuable service to the Council, by providing a public forum for debate in the areas of housing, health care, education, employment and other varied topics. Particularly impressive has been its ongoing efforts to reestablish viable urban Indian housing programs while working in close cooperation with the Minnesota Housing Finance Agency. The Indian Affairs Council enjoys a large non-voting ex-officio membership which includes the Governor, three Senators, three members of the House of Representatives and various Commissioners of state departments which impact Indian citizens.

The membership and structure of the agency, then, provides an effective and efficient mode for dealing with issues relevant to Indian people in Minnesota, and thus provides state government not only a clearing-house for information, but more importantly, a forum for cooperative ventures without the formality of direct government to government relations.

The existence and continuation of this agency reflects the commitment of state government not only Indian people, but also to tribal government here in Minnesota. We are justifiably proud of the leadership role played by both state government and tribal government in their relationship with each other.

The Indian Affairs Council employs an Executive Director who is responsible for the ongoing administration, financial and personnel management of the agency. He divides his time between the two offices and acts as liaison between tribal governments and various components of the state government and its subdivisions. The Executive Director also develops strategy for the agency as well as produces policy recommendation to all branches of state government on matters concerning Minnesota's Indian people. During legislative sessions, staff and members make themselves available to provide testimony for pending legislation, as well as accept committee assignments at the departmental level where many legislative actions have their genesis. Because of the unique liaison duties, the agency is often called upon to comment or respond to various legislative initiatives and new departmental programming. The Indian Affairs Council functions daily as a strategic participant in state government.

The agency has taken an active role in program development within state government as well as the development of direct service programming internally. With the new capability to contract directly and accept grants, it is anticipated that the agency will in the future, accept a much expanded role in direct service programming to the statewide Indian community.

## Membership of the Minnesota Indian Affairs Council

Hartley White, Leech Lake Dean Blue, Upper Sioux Donald Hackey, Bois Forte Donald Gurnoe Jr., At-large

William Houle, Fond du Lac David Larsen, Lower Sioux James Hendrickson, Grand Portage Darrell ''Chip'' Wadens, White Earth Dennis Childs, Prairie Island Leonard Prescott, Shakopee Mdewakanton Mary Jo Brooks, At-large

## Membership of the Urban Advisory Council

Mary Ann Walt, Duluth Beverly Owen, St. Paul Constance Ross-Brandenburg, St. Paul Bonnie Wallace

## **Ex-Officio** Members

Senator Florian Chmielewski, Sturgeon Lake Senator Robert J. Schmitz, Jordan Senator Donald A. Storm, Edina Representative Pal A Ogren, Aitken Representative Dennis Poppenhagen, Detroit Lakes Representative Tom Rees, Lakeville

Rudy Perpich, Governor	David Cook
Orville B. Pung, Comm. Dept. of Corrections	Lurline Baker-Kent
Ruth E. Randall, Comm. Dept. of Education	
Mark Dayton, Comm. Dept. of Energy and Economic Development	
Sister Mary Madonna Ashton, Comm. Dept. of Health	Judith Ball
Leonard W. Levine, Comm. Dept. of Human Services	Francis Moriarty
James J. Solem, Exec. Dir., Housing Finance Agency	Donna Folstad
Joseph Alexander, Comm. Deptof Natural Resources	Joseph Day
Gary A. Lamppa, Comm. Iron	
Range Resources and Rehabilitation	Brian Hiti

Chairman Vice-Chairman Secretary Treasurer

## **Term Expires**

Dec. 1988 Jan. 1988 Jan. 1987 Dec. 1986

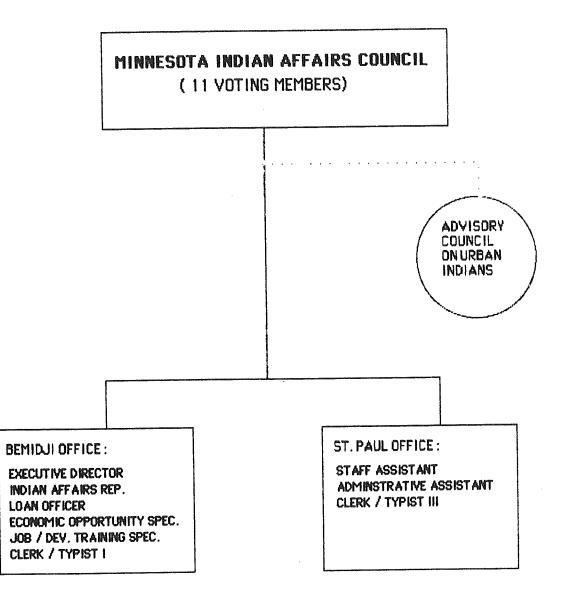
## Designee

## INDIAN AFFAIRS COUNCIL Financial Report for Fiscal Year 1986

Original Appropriation		
Per Laws 1983, Chap. 301, Sec. 38 Transfer In, Salary Supplement Total Receipts	258,100.00 <u>11,559.00</u> 269,659.00	
Expenditures		
Salaries Supplies and Expense Council Members Expense Indian Burial Grounds Total Expenditures	$230,947.74 \\ 24,578.87 \\ 6,748.01 \\ \underline{1,278.18} \\ 263,552.80$	
Cancellations	3,053.10	
Contributions to 10# matching requirement to Appropriation per Legislative Rider, Section 38, Chapter 13, Special Session Laws 1985:		
Required match	25,810.00	
Cash matching funds received:		
Deposit No. G01, 3/25/86, Research Dev. Fund Contributer, Ck. #0048, 3/21/86	12,926.00	
Deposit No. G02, 4/21/86, Leech Lake RBC, Contributor, Ck. #44900, 3/20/86 Total Cash Contributions	5,000.00 17,926.00	
In-kind match contributions received		
Channel 11 television time, technical assistance and production services for Madagimo Indian Program, Upper Midwest American Indian Center, Con- tributor Total in-kind contributions	<u>9,120.00</u> 9,120.00	

4

# ORGANIZATIONAL CHART



## AGENCY PROGRAMS

#### **Progress reports**

#### **Indian Burials**

Under Minnesota Statute 307.08, the Minnesota Indian Affairs Council is charged with the responsibility of protecting Indian burial sites and unplatted cemeteries.

During the past year the agency has worked with the Legislature to increase the penalty for disturbing or molesting Indian burial sites. This effort has resulted in a change from a misdemeanor to a felony offense. We appreciate the actions of Minnesota lawmakers and their concern in preserving these historic resources.

In the past year progress has been made in developing increased interagency cooperation in this area. Hamline University, the University of Minnesota, State Archaeologist, Minnesota Dept. of Transportation, Dept. of Natural Resources, Dept. of Administration, Attorney General's office as well as the State Historical Society have all played a role in this years efforts.

The agency has purchased one burial site near Red Wing that will protect in public ownership approximately 65 burial mounds and are in the process of purchasing another site near Cass Lake along the Mississippi River, which is currently threatened with residential development. In addition, we have identified several high risk cemeteries which are endangered and would recommend for purchase and preservation although budget constraints preclude action at this time.

The agency continues to monitor several construction sites within the Metro area which may threaten burial sites and have participated in the removal of several individual remains in other locations. Many more individual remains await reburial as soon as funds become available. Ongoing efforts to monitor the Army Corp. of Engineer's permit requests for construction as well as the D.N.R. Shoreline Division regulations, have resulted in a much improved spirit of cooperation.

Earlier this year the agency recommended an archaeological survey of the Upper Mississippi Great River Road area. This survey done in cooperation with the Leech Lake Tribal Government, State Archaeologist, Upper Mississippi Great River organization and Minnesota D.N.R. was very successful in that many significant sites were discovered and hopefully will be afforded protection.

On the down side, we have recommended prosecution of an individual apprehended digging within the boundary of the Chippewa National Forest. This individual has a past history of similar action and we anticipate prosecution under Federal jurisdiction will be forthcoming.

As the year comes to an end we would strongly recommend additional funds for the numerous reburials which are being stored at both Hamline as well as the University of Minnesota. It is further recommended that consideration be given to the establishment of a tax incentive to private landowners willing to preserve burials and other archaeological sites on their property.

#### **Indian Business Loan Program**

The Indian Business Loan Program was enacted by the Legislature in 1973. The program provides Minnesota based Indians with the opportunity to establish or expand a business enterprise in Minnesota and provides the resources for management and/or technical assistance to prospective clients.

Funds for this program come from a portion of the severed mineral rights taxes that are collected by counties each year; the average amount made available for distribution among the eleven (11) reservations in the state is approximately \$89,000.00 per year. Even though this is a relatively small amount of money to be used for business loans, the agency feels that its uses tend to be cost effective and wide ranging in terms of the types and number of businesses it has been able to assist.

Funds are administered by the agency; when an eligible Indian applies for a loan, the application is forwarded to the agency for review of appropriate documentation. If all information is present, the application is then sent to the appropriate Tribal Council which makes a prudent judgement on whether to approve or reject the application; if approved, the application is sent 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 their project. Other funding sources must then be available. Regular financing information is required, such as balance sheets, income and expense projections, cash flow statements, a good business plan which shows a reasonable chance of success.

A portion of the funds allocated to each reservation under this program are reserved for businesses located off of the reservation. Each individual tribal government decides how much of their available funds will be set aside for this purpose.

During FY 86, fourteen (14) loan applications were received totalling \$213,618.00; of this number, six (6) applications were cancelled due to no response for additional information or other financing had been denied. One (1) application is pending approval of other financing, and one (1) application has been tabled until further negotiations are completed. Three (3) loans have been disbursed totalling \$91,250.00 and three (3) loans totalling \$16,368.00 are ready for disbursement in early FY 87. One loan has been paid in full and one loan has been liquidated. Delinquency rate continue to be minimal; as reported in last years activities there were four (4) loans which were in arrears more then six months, those loans are now in foreclosure status. As of this years report, there is one (1) loan more then six months in arrears and arrangements have been made with the client to resolve the situation.

The Legislative Auditors office recently completed a two year audit of our Agency which included the IBL program. He expressed concern regarding the high fund balance that remains unused by those reservations who do not have their programs in operation; it was suggested that until such time as those reservations submit accepted loan plans, the unused funds be utilized by those reservations who have successful programs in operation, but find that their available funds have been depleted. This arrangement would make the unused monies accessible to need; thus conforming to the legislative intent of the program and insuring continued benefit to Indian people statewide.

Along with regular loan officer duties, other activities include maintaining separate records of all IBL monies forwarded by counties and clients, furnishing year end reports to each reservation, executing semi-annual annual site visits to clients, providing six month report to individual reservations regarding loan activities and payments received, and meeting with reservation staff as needed. IBL staff also devote time and expertise to other organizations, boards and committees whose functions promote business development and provide growth potential to small businesses (i. e.. "Set aside" programs, MN. DOT, DEED, CDC, Review Board, American Indian Business Development Corp., etc.). Staff was also involved in initiating the recent Governors tour of Franklin Avenue which led to subsequent meetings at the Minneapolis City Hall regarding economic development.

#### **Job Training Partnership Act**

This staff position, located at the Bemidji office, serves on the Service Delivery Area 3 Private Industry Council and functions to provide improved service to the northern reservation areas. This year, the Bois Forte reservation received special training for 18 participants in security, general up-keep and maintenance, and computer training for one person. This training was provided by the Hibbing Eveleth AVTI. These individuals are currently under On The Job Training contracts and are hired at the Fortune Bay Bingo Casino. This has been a most successful effort.

Currently, all programs are operating at their assigned performance standards, although we find problems with indirect cost rates and accounting difficulties; indirect cost coming out of JTPA administrative funds and if totally paid as requested, would leave little for administration. Additionally, we have three small reservation programs operating with less then \$50,000 of basic grant funds which leaves minimum funds for actual administration. These relatively minor problems are being rectified at this writing.

The total allocation to Minnesota Indian JTPA grantees is just under \$2,000,000. The American Indian OIC-JTPA program and the Minneapolis Indian Center receive \$1,000,000 and the remainder going to seven other grantees established by formula.

Community Services has now assumed this staff contract and will assist the reservations in weatherization , emergency food and the CSBG/MEOG grants.

#### **Economic Opportunity Programs**

The Minnesota Department of Jobs And Training, through an interagency agreement with the Minnesota Indian Affairs Council, provides funding for the position of Economic Opportunity Program Specialist II. This position provides information, technical assistance and administrative support to eleven reservation governments in Minnesota, administrating federal and state Economic Opportunity programs.

Programs administered through this project include the federal Community Services Block Grant, Basic Community Services Block Grant Special Allotment, The Minnesota Economic Opportunity Grant, Legislative Action Council, Temporary Emergency Food Assistance Program, Weatherization Program, and the Energy Assistance Program. Allocations for these programs were awarded on a formula based on the most recent reservation census count available to the state of Minnesota. In some cases, a base funding to provide essential administrative capability was added to the allocation. In most instances, grant awards based solely on population counts do not begin to meet the needs of each reservation due to the high rates of unemployment, inadequate housing and other factors. For this reason, coordination of grant planning is essential, as is the mobilization of supplemental resources.

On reservation site visits have proven to be an essential method of assessing local efforts to increase productivity and self-sufficiency in providing more and better service to people in need. Additionally, communications between the Department of Jobs and Training and Tribal Government is enhanced.

During the past year the Indian Affairs Council's Economic Opportunity Specialist has traveled to all reservation grantees to provide technical assistance for existing projects and review the status of current contracts. These contracts include all Community Service Block Grants. Each reservation government has presented unique well planned pre-grant applications on various projects and have determined what essential program activity must be accomplished to meet the required need of their low income residents.

The Council believes that the work carried out by this program component has been of great benefit to Indians in enhancing their quality of life in Minnesota.

#### LEGISLATIVE SESSION IN REVIEW

The 1986 session of the Minnesota Legislature resulted in a number of successful legislative inititives passed into law which impact Indian citizens.

#### **CHAPTER 1** Special Session

A new era in Indian higher education was entered into by the state this past session when an appropriation of \$50,000 was made available for a feasibility study for the establishment of a coordinate campus Arrowhead Community College upon the Fond du Lac Chippewa Reservation. This historic first will be undertaken by a thirteen member committee appointed by the Governor with a completion date anticipated in early 1987, in order to seek additional appropriations in the upcoming 1987 session.

#### CHAPTER 323

Unlike many other states within the nation, the Minnesota Indian Affairs Council has, over the past eight years, developed an effective partnership with various agencies in state government. A hallmark of this relationship, which has grown out of the need for increased mutual efforts to protect Indian burial sites, is a close working collaboration with the State Archaeologist. This joint effort has been reflected by a legislative change in Minnesota Statute, Section 138.35 which has been amended to allow the State Archaeologist to be appointed by the Historical Society with the consultation of the Indian Affairs Council and further asks that the MIAC be consulted for review and recommendation when archaeological sites have religious or historic significance to Minnesota Indian peoples.

#### Chapter 344

This legislative action changes the MIAC enabling legislation Minnesota Statutes, Section 3.922 and authorises the agency to enter into contracts and to accept grants or gifts. With the opportunity to generate a portion of its budget outside of regular state appropriations, it is anticipated that this modification will allow the Indian Affairs Council the opportunity to grow and expand its ability to serve Indian citizens.

#### Chapter 394

Provides, under the Consolidated Treatment Plan, special funding for the American Indian Chemical Dependency Account, whereby 12% of allocated funds must be reserved for treatment of American Indians.

#### Chapter 398

Allows the Minnesota Historical Society to develop a plan for selection of a design for a memorial to American Indians.

#### Chapter 463

Changes the language in Minnesota Statutes, Section 307.08 (Human Burial Law) further regulating the entry into burial sites, and defines the molestation of human remains as a felony. Enacted in 1979, Minnesota Statutes, Section 307.08 is a comprehensive effort to protect Minnesota's rich historical resources of burial mounds as well as all other burial sites. This statute is recognized nationally as the foremost such statute and has been strenghtened by increasing the penalty from misdemeanor to felony.

## STATE AGENCY REPORTS

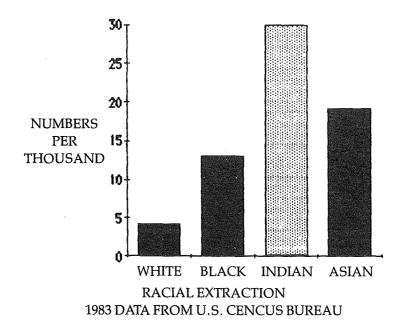
#### **Department of Human Service**

A major concern of the Council is the current status of Indian Child Welfare services in Minnesota. Due to the loss by tribal and urban social services programs of almost half a million dollars in child welfare funding, this status has been seriously jeopardized. The losses were partially due to severe cuts in the federal Indian Child Welfare Act discretionary money administered by the Bureau of Indian Affairs. In addition, the State Department of Human Services funding for tribal child welfare services ended September 30, 1986. This money was combined by the state legislature with other state funds to provide permancy planning grants to county human services. This change was made in spite of a Department of Human Services report that:

"... statistics indicate count(ies) ... have not been as effective in providing child welfare services to Indian families as they have to white families. Indian children are six times more likely to be placed in substitute care than white children. From 1983 to 1984, the number of Indian children in substitute care increased by 15%! (The number of white children increased less than 1%) Furthermore 52% of Indian children in foster care do not reside with Indian families!...The most effective means to reduce placement of Indian children would be by supporting the continued development of the Indian social service system..."

The same state legislators which diminished the child welfare funding to tribes, passed the Minnesota Indian Family Preservation Act. This Act was a renewed committment to reducing the rate and prevalance of placement of Indian children outside of their homes. The state Act requires that additional early notification is provided to tribal social service agencies of child welfare activities. It further allows for greater involvement by tribes in order to enhance the goals of the federal Indian Child Welfare Act. Continued development of tribal child welfare programs on reservations and in urban areas is critical to the implementation of both the federal and state child welfare laws. Without sufficient funding of tribal services, the implementation will be very limited at best.

#### CHILDREN IN SUBSTITUTE CARE



Initial steps have been taken by MIAC staff toward establishing a firmer funding base for Indian child welfare services for the next biannium. These activities include meetings with representatives of the Department of Human Services and the preparation of potential draft language for legislation directed toward this goal.

### HOUSING FINANCE AGENCY

#### **Indian Housing Program**

Minnesota enjoys two housing programs designed to meet the housing needs of Indian citizens; the Tribal Housing Program, Minnesota Statutes 462.07, Subd. 14 and the Urban Housing Program under the same statute, Subd. 15.

The Tribal Housing Program, established in 1976, has received a total appropriation from the Legislature of \$25,210,000 to date. In 1986 the Legislature made available \$4,000,000 dollars for this program, but recinded \$2 million of this amount in the 1986 session. All funds available have been committed to tribal housing authorities for specific loans currently in progress.

The Urban Housing program, created in 1978, has received a total of \$4,500,000 in funds from the Legislature. In 1985, the Legislature appropriated \$750,000 for this program, but again recinded \$375,000 during the 1986 session. By the end of September, 1986, it is hoped the additional \$431,000 will have been made available to program administrators. The remaining \$796,000 dedicated to the Minneapolis program, is dependent upon upgraded performance.

Despite the success of the Indian Housing programs, the original problem of affordable housing still exists. Although great progress has been made, appreciable need still remains, especially upon the reservations. Much of the current unmet need is attributed to the reduction of available federal sources of funds for housing as a result of Gramm/Rudmann/Hollings and the unique title of tribal lands which often precludes private, conventional sources.

While urban Indian housing programs appear to be meeting their stated objectives, there remains a continued need, which is reflected by a waiting list of 63 applicants at this writing. It may be possible to increase the impact of the urban funds available, if the current administrative cost ratio of 1 to 6 can be significantly reduced. One solution to the problem, which has gained some support in Indian country, is to simply allow the Minnesota Housing Finance Agency to administer the urban Indian housing programs. This eliminates the current high level of administrative costs.

In the final analysis, both tribal and urban programs provide a valuable resource in Minnesota and fully deserve to continue their efforts, with the previous mentioned modifications to help efficiency. This first of a kind effort between state and tribal govenments, nationally, represents the finest achievement in inter-governmental relations.

## **DEPARTMENT OF EDUCATION**

### **Indian Education Division**

The State Department of Education has spent this year in active development of a comprehensive statewide plan for Indian education. The plan has an anticipated completion date of January 1987.

The Indian Affairs Council, as well as tribal education officials, have closely monitored the development of this plan; culminating in joint meeting in August between the State Board of Education and the Indian Affairs Council.

Indian Education has co-operated with the MIAC during the Legislative session and was instrumental in reducing the proposed \$210,000 cut in Scholarship funds, down to \$50,000. Over this past year the Indian Scholarship programs has been forced to endure an appropriation cutback, and when coupled with a young, rapidly growing population, resulted in 467 Indian applicants going unfunded. It is further projected that this unmet need will increase some 200+ students each year, above and beyond each previous year.

The State Board of Education has been very helpful in the development and support of the Tribal School Equalization Bill (pending legislative consideration) which would help the contractual relationship in an effort to equalize the federal per pupil rate with Tribal schools.

The Post Secondary Preparation Programs, in their third year of operation received an appropriation of \$295,570 for FY 86 with a similar ammount anticipated for 1987. The PSPP fund provides for the development and implementation of pilot porgrams to school districts serving both reservation or urban Indian populations. The projects must serve the post secondary needs of Indian students in either Higher Education or AVTI. Encouraging secondary retention among Indian students has been a prime focus of many of these projects and early data tends to confirm their success.

Maintaining Chapter 312 funds, as well as the PSPP allocation and finding a solution to the increased unmet needs suffered by the Scholarship program, seem to be priority items for 1987.

### INDIAN CHEMICAL DEPENDENCY

The Consolidated Chemical Dependency Treatment Fund was passed in the 1986 legislative session, and will be effective July 1, 1987. The fund combines existing state appropriations for chemical dependency from the following sources:

General Assistance General Assistance-Medical Care Medical Assistance State Hospitals State and federal block grant treatment funds

This legislation allows clients to be treated in the most appropriate way possible using uniform criteria for assessment. The bill expands the kinds of treatment providers available to clients and evens out the county match at 15% for all placements.

The Consolidated Chemical Dependency Treatment Fund will be allocated to counties based on population, income and client numbers and to the reservations on the basis of populations. Each will receive a base amount plus administrative expenses. A "reserve fund" will be set up to cover unforeseen economic or other factors as well as a "set-aside" for off reservation Indians.

Each county and reservation will be responsible for assessment and referral of clients attempting to match client needs to appropriate care givers. Services will include out-patient and in-patient primary treatment, extended care and halfway houses.

Chemical dependency services mandated and funded under the Community Social Services Act such as detoxification, assessment, and aftercare will not be covered by the treatment fund. Counties cannot decrease their current CSSA/Title XX expenditures for chemical dependency. Under this system, state hospitals will eventually compete with other providers for clients and be responsible for collecting revenues sufficient to meet their expenses.

Prior to July 1, 1987, pilot projects have been authorized in three counties and the Grand Portage Reservation to design and test procedures which will be used in the implementation of the total fund. These projects will assist in defining issues relative to eligibility and assessments for reservations. Much will also be learned regarding off-reservation Indians from the pilot project in Beltrami County, one of the three projects.

MIAC staff has been involved in "work groups" which are assisting with the implementation of the pilot projects. Culminating July 1, 1987, the reservation allocations will total approximately 1.3 million and the consilidation will go into effect.