

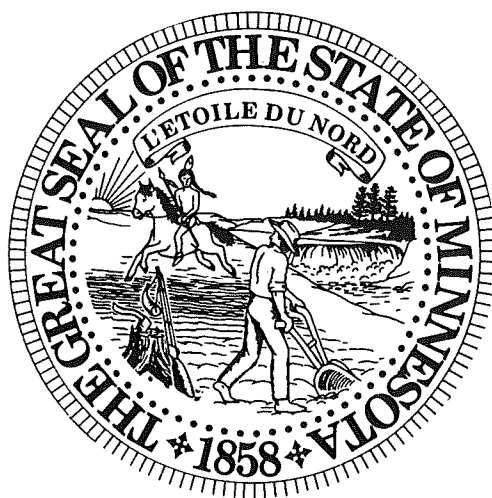


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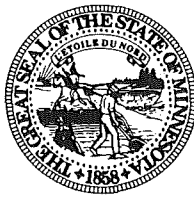
State of Minnesota Indian Affairs Council



Annual Report
June 1990-July 1991

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State of Minnesota

INDIAN AFFAIRS COUNCIL

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St. Paul, Minnesota 55155
Phone: (612) 296-3611

1819 Bemidji Avenue
Bemidji, Minnesota 56601
Phone: (218) 755-3825

November 15, 1991

Honorable Governor Arne Carlson
Room 130 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Dear Governor Carlson:

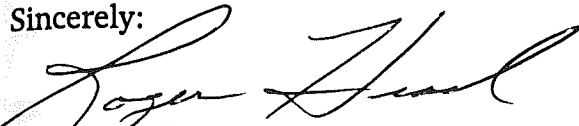
The Indian Affairs Council is submitting its 1991 annual report as required by Minnesota Statute 3.922, Subdivision 9.

This years report provides the reader with an overview of the council and its duties and responsibilities as mandated by statute. It also provides a report of this years legislative session particularly as it affects Indians in the state. We were fortunate this year to have an interagency agreement with the Bureau of Indian Affairs for a staff assignment. Ms. Glennis Butcher, a Supervisory Field Services Representative assisted in the "Overview of Existing Legislation" as part of this report.

The issue of tribal and state relations continues to be a major focus as we address future legislative sessions and clarifying to state agencies the unique status of tribes and their members. The State of Minnesota must be a leader in the continual development of tribal and state relations in order to eliminate disparities between Indians and non-Indians in the areas of health, education, employment, housing, criminal justice and economic development. The Indian Affairs Council is committed to this ideal, and looks forward to working with you and the legislature to meet this challenge.

This report will be made available to the Secretary of State, Chief Clerk of the House of Representatives, and the Legislative Library. Additional copies are available to other interested parties upon request.

Sincerely:

A handwritten signature in cursive script, appearing to read "Roger Head".

Roger Head
Executive Director

TABLE OF CONTENTS

MISSION STATEMENT.....	2
MEMBERSHIP OF THE COUNCIL.....	2-3
ORGANIZATIONAL CHART.....	4
DUTIES OF THE COUNCIL.....	5-6
DEMOGRAPHICS.....	6-8
POLICY ISSUES.....	8-9
SUMMARY OF 1991 LEGISLATIVE ACTIVITIES.....	9-12
OVERVIEW OF EXISTING MINNESOTA STATUTES.....	13-21
PROGRAM ACTIVITIES FOR 1990-91.....	22-26
EXPENDITURE REPORT ENDING JUNE 30, 1991.....	27
MAP OF MINNESOTA RESERVATIONS.....	28

MISSION:

The Indian Affairs Council is the official liaison between state and tribal governments and advisor to the state on urban Indian issues and concerns.

Created by the Legislature in 1963, the mission of the council as mandated in statute is broad in scope but focused in its total support of tribal government operations and the continued identification of issues and concerns that impact the American Indian population throughout the state. These issues include the areas of health, education, welfare and other public support, housing, economic development, protection of the environment, and protection of tribal rights.

The council is governed by the elected tribal chair of the eleven reservations throughout the state, and two at large members elected by federally recognized tribal members from other states. The council also has an urban Indian advisory committee. The urban Indian advisory committee consists of two representatives from Minneapolis, two representatives from St. Paul, and one representative from Duluth.

The ex officio members of the council include the Governor or a member of the governor's official staff, and the Commissioner's of Education, Human Services, Natural Resources, Human Rights, Trade and Economic Development, Corrections, Minnesota Housing Finance Agency, Iron Range Resources and Rehabilitation Board, Health, three members of the House of Representatives appointed by the Speaker, the three members of the Senate appointed by its Subcommittee on Committees.

The council, under the direct advisement of the elected representatives, addresses its mission through varied activities which include research, policy and resource development, technical assistance, introduction of legislative initiatives, and direct program and fiscal management for the agency.

MINNESOTA INDIAN AFFAIRS COUNCIL REPRESENTATIVES

Executive Council

Darrell Wadena, White Earth	Chairperson
Leonard Prescott, Shakopee-Mdewankanton	Vice Chairperson
Robert Peacock, Fond du Lac	Secretary

Council Members

Eugene Boshay, Bois Forte
James Hendrickson, Grand Portage
Dean Blue, Upper Sioux
Loretta Gagnon, At Large

Daniel Brown, Leech Lake
David Larsen, Lower Sioux
Dale Childs, Prairie Island
Delbert Cavanaugh, At Large

URBAN INDIAN ADVISORY COUNCIL

Executive Council

Roy James Roberts Chairperson
Minneapolis

Valerie Sheehan Vice Chairperson
Minneapolis

Nora Hakala Secretary

Members

Nancy Stanaway
St. Paul

Harold Yellow
St. Paul

EX-OFFICIO MEMBERS

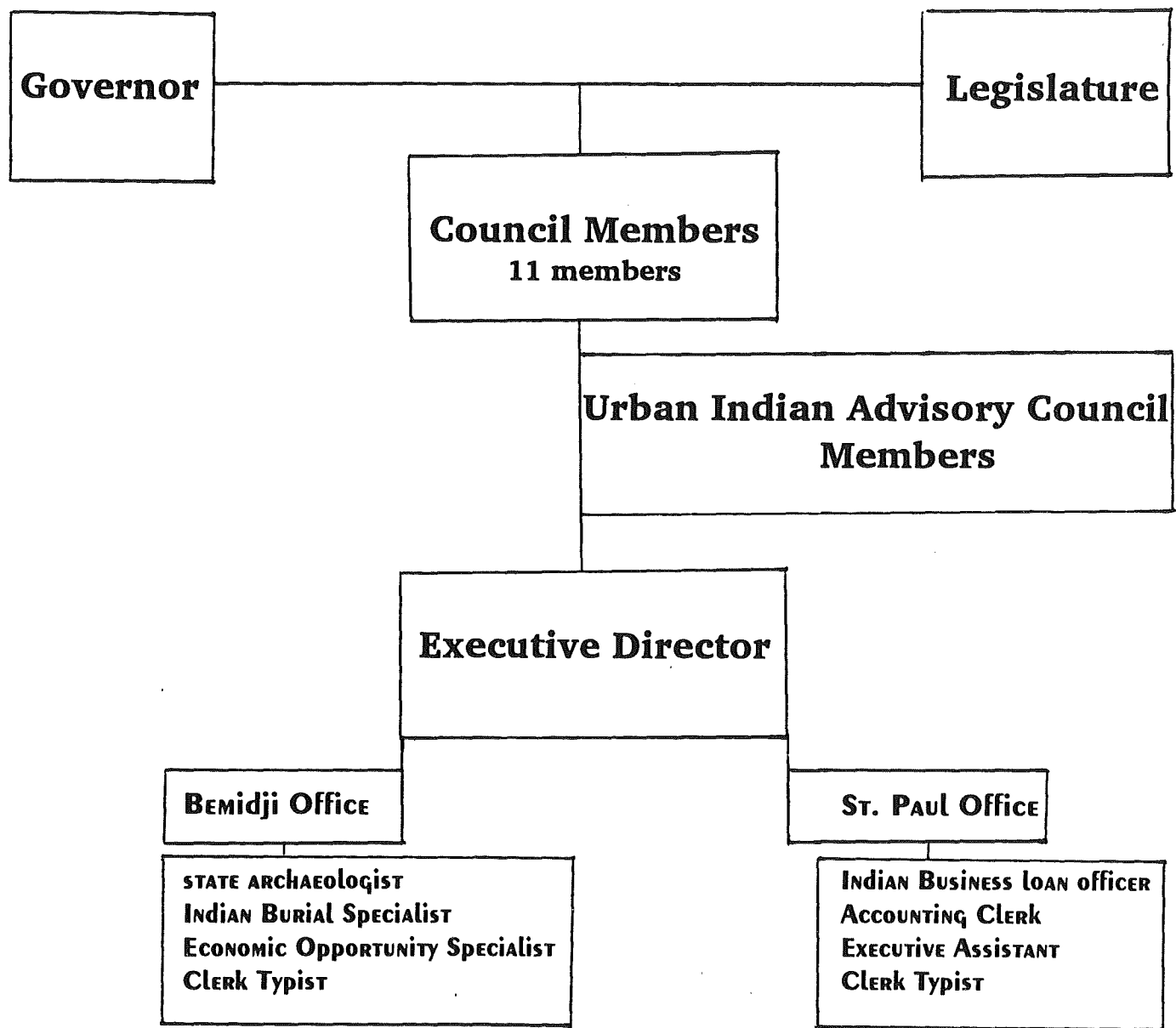
Senator Cal Larson, Fergus Falls
Senator Jane Ranum, Minneapolis
Senator Sandy Pappas, St. Paul

Representative Karen Clark, Minneapolis
Representative Loren Thompson, Waubun
Representative Paul Ogren, Aitken

Governor Arne Carlson
Orville Pung, Commissioner of Corrections
Gene Mammenga, Commissioner of Education
Jane Brown, Commissioner of Jobs and Training
Marlene Marschall, Commissioner of Health
Natalie Steffen, Commissioner of Human Services
James Solem, Commissioner of Housing Finance Agency
Rodney Sando, Commissioner of Natural Resources
Wayne Dalke, Commissioner of Iron Range Resources and Rehabilitation Board
David Beaulieu, Commissioner of Human Rights

ORGANIZATIONAL CHART

June 1991



DUTIES OF THE COUNCIL:

The council shall:

- 1). clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota;
- 2). assist the Secretary of State in establishing and election of at-large members of the council;
- 3). make recommendations to members of the legislature on desired and needed legislation to benefit the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian population;
- 4). provide, through the elected apparatus of the council, an effective conduit to the legislature for programs, proposals, and projects submitted by tribal governments, organizations, committees, groups or individuals;
- 5). provide a continuing dialogue with members of the tribal governments to improve their knowledge of the legislative process, state agencies, and governmental due process;
- 6). assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the Indian community;
- 7). assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;
- 8). assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;
- 9). act as a liaison between local, state, and national units of government in the delivery of services to the Indian population;
- 10). assist state agencies in implementing and updating studies of services to the statewide Indian population;
- 11). provide, for the benefit of all levels of state government, a continuing liaison between governmental bodies and elected tribal governments and officials;
- 12). interreact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, as they affect state agencies and departments;

- 13). act as an intermediary, when requested and if necessary, between Indian interests and state agencies and departments when questions, problems, or conflicts exist or arise;
- 14). provide information for and direction to a program to assist Indian citizens to assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to Indian people;
- 15). develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for Indian persons who have been, are, or will be subject to prejudice and discrimination;
- 16). cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians throughout the state.
- 17). review data provided by the commissioner of human services under section 257.072, subdivision 5, and present recommendations on the out of home placement of Indian children annually on November 1.

DEMOGRAPHICS:

The state of Minnesota has the twelfth largest American Indian population in the country. According to the 1990 census, the American Indian population was 49,909, a 43 percent increase since 1980. Minnesota's American Indian population has grown faster than the United States average and faster than other Upper Midwest states, according to the 1990 census.

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

The demographic indicators of the American Indian population in Minnesota are similar to those throughout the country. American Indians have the lowest life expectancy of any group in the United States. American Indians also experience high rates of unemployment, lower incomes, less housing opportunities, and lower educational attainment.

AMERICAN INDIAN POPULATION ON RESERVATIONS 1980 & 1990

	1980 POPULATION	1990 POPULATION
BOIS FORTE	392	346
FOND DU LAC	514	1106
GRAND PORTAGE	187	207
LEECH LAKE	2759	3390
LOWER SIOUX	65	225
MILLE LACS	293	428
PRAIRIE ISLAND	80	56
RED LAKE	2823	3602
SHAKOPEE	77	153
UPPER SIOUX	51	43
VERMILLION LAKE	103	87
WHITE EARTH	2554	2759
TOTAL	9898	12402

CITIES WITH AMERICAN INDIAN POPULATION OF 400 OR MORE FOR 1990

	1980 POPULATION	1990 POPULATION
MINNEAPOLIS	8933	12335
ST. PAUL	2538	3697
DULUTH	1344	1837
BEMIDJI	462	1017
CLOQUET	499	789
CASS LAKE	435	527
COON RAPIDS	250	425

- In Minnesota, the average life expectancy for American Indians is six years less than that of the white population.
- American Indians have the youngest population with the highest birth rate.
- The median age of American Indians is 19.9 years compared to 29.6 years for whites.
- The birth rate for American Indian women between the ages of 14-44 is 136.2 per thousand compared to 66.9 per thousand for white women.
- The infant mortality rate for American Indians is 10.4 deaths per thousand compared to 7.2 deaths per thousand for whites.
- The percent of unwed pregnancies for American Indians is 68% compared to 14.8% for whites.
- The teen pregnancy rate for American Indians is 49% compared to 13.4% for whites.
- Accidents are the leading cause of death for American Indians between 1-44 years of age.
- Cirrhosis of the liver was the second leading cause of death among American Indian women between the ages of 25-44.
- 30.1% of the American Indian population are below poverty level indicators compared to 8.9% for whites.
- The unemployment rate for American Indian males and females is 3 to 4 times higher than that of whites.
- Only 48% of American Indians own their homes compared to 80.2% for whites.
- 55% of American Indian adults are high school graduates which was 18% lower for the states general population.

The demographic overview of American Indians in Minnesota affects the development of policy. Policy is also affected by the unique political relationship that governs 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:

Throughout treaties, agreements, and court decisions, tribes have retained their authority to regulate reservations activities and the conduct of their tribal members. Indian tribes have the power to make their own laws governing internal matters and to 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 in entering into agreements with tribal governments and therefore becomes the major policy driver for policy formation and development of legislative initiatives specifically identified for Indian tribes and their members. 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.

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

The following represents an example of the level of state and tribal relationships which are developed through the passage of specific legislation as it pertains to Indians and their tribal governments.

SUMMARY OF 1991 LEGISLATIVE ACTIVITIES

HEALTH AND HUMAN SERVICES

-\$2.3 million is allocated to fund several programs designed to prevent the need for out-of home placement.

-Establishes independent ombudspersons for the Indian Affairs Council, Spanish Speaking Affairs Council, Council on Black Minnesotans, and Council on Asian Pacific Minnesotans to investigate all agencies and programs providing protection services to children from families of color and to work with the courts to ensure that personnel are trained to understand and represent the communities of color.

-The sunset provision for the Indian Affairs Council, Spanish Speaking Affairs Council, Council on Black Minnesotans, and Council on Asian Pacific Minnesotans is removed.

-A community based mental health fund is created to assist counties in providing services to children with severe emotional disturbances and their families.

-Requires the commissioner of human services to make money transfers from the consolidated chemical dependency treatment fund to the general fund.

-Changes the Permanency Planning Grants to Counties Act to the Minnesota Family Preservation Act.

-Requires the Commissioner of Human Services to provide out of home placement support services and Indian child welfare grants.

-Requires emergency placement to be reviewed for compliance with the Minority Family Heritage Act, Minnesota Indian Family Preservation Act, and the federal Indian Child Welfare Act in terms of grants and coordination of family based crisis services and family reunification service programs.

-Requires a child placing agency to give notice to Indian tribes for legal custody transfers or misdemeanor level for delinquent acts of an out of home placed Indian child.

-Establishes sobering stations for special populations including veterans and American Indians.

-Requires the ongoing training required for licensed child care centers, group, and family child care providers to have training in the cultural dynamics of childhood development.

HEALTH

-Authorizes the awarding of grants to agencies experienced in providing services to communities of color for outreach and education programs for targeting groups at risk for acquired immune deficiency viral infection (HIV).

HIGHER EDUCATION

-A task force is charged with developing and implementing actions to recruit and retain women and minorities in peace officer education, increasing the amount of general educations in the peace office education program and providing information to students concerning transferability of credits and the licensing process.

-Post Secondary Education institutions are to report on the level of cultural diversity initiatives on campus.

EDUCATION FUNDING

-Funding of AFDC pupils is changed so that all districts that enroll AFDC pupils receive compensation and additional revenue to be phased in over four years.

-The Commissioner of Education is to develop a mediation process to resolve disputes arising out of the identification, assessment, and placement of children with disabilities.

-Early Childhood and Family Education Programs (ECFE) received an increase in revenue and activities that improve health, development and learning readiness.

-Revenue for Indian tribal contract schools is increased to allow them to receive ECFE programs

for Indian families.

- School Boards are to respond to recommendations made by Indian parent committees.

- \$45.1 million in bonds were approved to provide funding for the Maximum Effort School Loan Program. Cass Lake school district was one of eight school districts approved for funding.

- Augsburg College and the Minneapolis School district were approved to receive funding for an Indian teacher training program. They join the University of Minnesota Duluth, Red Lake School District and Bemidji State University, and White Earth and Moorhead State University Indian teacher training programs.

- The experimental school status has been removed from the Pine Point Experimental School and it is now eligible to receive funding just like a school district with the tribal council acting as the school board.

- Continuation of appropriations for Indian post secondary preparation grants, language and culture, education programs, tribal contract schools, and tribal equalization funding.

- Creates the Legislative Commission on Children Youth and Families.

- Continues minority teacher incentive program.

HOUSING

- The Minnesota Housing Finance Agency Tribal Indian Programs are authorized to use existing off reservation demonstration program funds for a home improvement loan program.

- Authorizes the Housing Finance Agency to make grants or loans for housing chemically dependent adults meeting specific criteria.

GAMING

- Legislation establishes provisions for compulsive gambling treatment.

- Legislations restricts the use of religious themes and symbols in lottery advertising.

- A compulsive gambling task force is established to study problems related to compulsive gambling.

- Manufacturers may sell to Indian tribes for use in gaming under a tribal-state compact.

-Video games of chance are banned except for Indian gaming using video games of chance and otherwise illegal gaming devices are not prohibited on reservations.

-The new law requires that the Governor, Attorney General, and gubernatorial designees make reports to the House and Senate Gaming Committees on the status of negotiations of tribal-state gaming compacts.

REDISTRICTING STANDARDS

-In order to reflect the cultural diversity in Minnesota, the redistricting standards prohibits diluting the voting strength of a racial or language minority and mandates that whenever a minority concentration is found, the district lines be drawn to increase the probability that a member of that minority will be elected.

ENVIRONMENTAL AND NATURAL RESOURCES

-Abolishes the refund of agricultural commodities promotion checkoff fees paid by the paddy rice producers.

-Authorizes minors under 16 years of age to harvest wild rice without a license when accompanied by a parent.

-Red Lake watershed district alters the terms of the prior grant for flood plain management.

JUDICIARY

-Authorizes the Mille Lacs Band of Chippewa's to exercise law enforcement powers with the Mille Lacs Reservation and trust land. Grants the band concurrent jurisdictional authority with the county sheriffs department.

OVERVIEW OF EXISTING MINNESOTA STATUTES

3.922 Contracting Authority for the Indian Affairs Council

The purpose of the legislation is to provide special emphasis on tribal government, government to government relationships between state and tribal governments, and an urban Indian advisory council on urban Indian issues and concerns. The council is the official state liaison to address the needs of Indians throughout the state.

3.9221 Gambling, Tribal-State Compacts, Negotiations

This legislation provides for a negotiated agreement between tribes and the state for the regulation of Class III gambling on Indian lands.

13.761 Indian Affairs Council Data

This statute provides language which prohibits the disclosure of information on individuals and business entities that are contained in applications received by the Indian Affairs Council.

16B.06 Sovereignty

In reference to contracts with Indian tribes and bands, the State of Minnesota may not require a tribe or band to deny their sovereignty as a term before entering into a contract.

84.09-15 Conservation of Wild Rice

The purpose of this legislation is to provide Indians with the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations. The Commissioner of Natural Resources may restrict or prohibit the harvesting of wild rice grain to protect undue depletion of the crop. Violations of the provisions of this section shall be guilty of a misdemeanor. A second conviction within three years will revoke licensing for one year after conviction.

97A.151 Leech Lake Indian Reservation Agreement

The rights of the Leech Lake Band of Chippewa Indians is preserved by federal treaty relating to hunting, fishing, trapping and gathering of wild rice on the reservation.

97.155 Amendments to Leech Lake Indian Reservation Agreement

Allows payment in lieu of Special Licenses for persons who are not members of the Minnesota Chippewa Tribe for the privilege of hunting, fishing, trapping or taking minnows and other bait within the reservation. Five percent of the proceeds from all licenses sold in the state shall be credited to the special license account.

97A.157 1854 Treaty Agreement

The purpose of this legislation was to bring resolution to the dispute between the State of Minnesota and the Grand Portage, Bois Forte, and Fond du Lac Band of Chippewa Indians which pertained to fishing, trapping, and wild rice gathering in the ceded territory.

97A.161 Agreement with the White Earth Indians

The legislation allows the commissioner to enter into an agreement with the White Earth Band of Chippewa Indians with similar terms adopted by the Leech Lake agreement, except that this agreement provides for 2 1/2 percent of the proceeds for licenses to be credited to the special license account.

103C.301 Initial Election of Supervisors

This legislation set forth the regulations and guidelines in which nominating petitions must be filed for soil and water conservations districts supervisors. In the case where the water shed district is within areas governed by Indian tribes, the governing body of the tribe or band shall elect or appoint a supervisor to represent the district.

116.722 Legal and Technical Assistance to Indian Tribes

In accordance with Minnesota Statutes, 116C72, no person shall construct or operate a radio active waste management facility within the state of Minnesota unless expressly authorized by the legislature. If an Indian tribe has jurisdiction over part of a potential impact area within the state, requests by the tribe for legal or technical assistance shall be provided by the environmental quality control board.

116J.64 Loans to Indians

Twenty percent taxation of severed mineral interests and unmined ore revenue received by the county auditors shall go to the State Treasurer and is deposited in the special revenue fund. This account is under the jurisdiction and control of the Indian Affairs Council and may be utilized in a business loan program for American Indians. This program is available to Indians

on and off the reservation in the state for purposes of economic development.

116J.645 Minnesota Natural Wild Rice Promotion Council

The purpose of this legislation is to establish an advisory council for the promotion and marketing of hand harvested natural lake or river wild rice. The advisory council consists of natural wild rice hand harvesters, natural wild rice processors, and natural wild rice dealers who are enrolled members of American Indian tribes.

116J.873 Economic Recovery Grants

This legislation is to provide economic recovery grants to local communities and recognized tribal governments in accordance with the rules and adopted economic development grants in the small cities community development block grant programs. An economic recovery grant may not be approved for an amount over \$500,000.

116K.08 Land Use Planning Grants to Reservations

The purpose of this legislation is to improve the land use decision making capability of local governments in the form of grants by the commissioner. The grants will be made available to the Metropolitan Council with mandatory transfer of funds to towns, counties, municipalities and Indian reservations.

124.48 Indian Scholarship Committee

This legislation allows the State Board of Education, with the advice and counsel of the Minnesota Indian Scholarship Committee to award scholarships to any Minnesota resident who is one-fourth or more Indian ancestry through an application process. Scholarships shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools.

124.481 Indian Post Secondary Preparation Grants

This legislation allows the state board of education, with the advice of the Minnesota Indian Scholarship Committee, the opportunity to provide grants to support post-secondary pupils who are one-fourth or more Indian ancestry, and must also have the capability to benefit from Higher Education.

124.86 State Revenue for American Indian Schools (Tribal Contract for Grant Schools)

This statute authorizes each American Indian controlled contract or grant school located on a

reservation within the state to receive tribal contract or grant aid. The contract or grant school must also be authorized by the United States Code of Federal Regulations, Title 25, Section 450f.

126.45 to 126.55 American Indian Education Act

This legislation finds that a more adequate education is needed for American Indian people in the State of Minnesota. The legislation also is concerned about the lack of American Indian teachers in the state. Sections 126.45 to 126.55 provides legislation addressing the following:

- American Indian Language and Culture Programs
- Teacher, License, Exemptions
- Recruiting and Retaining Indian Teachers
- Parent and Community Participation
- State Board of Education Duties
- Committees on American Indian Education Programs
- Continuation of Indian Education
- Pilot Project Grants
- Construction

135.12 Unique Needs and Abilities of American Indian People (Advisory Committee, Higher Education Coordination Board, Language, American Indian Credit)

This legislation, through an advisory committee, recommends instructional and student services to meet the unique needs of American Indian people. An example of this would be a student who is proficient in an Indian language shall have the opportunity to be assessed, place or to receive credit for their skills.

137.16 University of Minnesota, Morris Branch

This legislation finds that all Indian pupils qualified for admission to the University of Minnesota, Morris branch shall be admitted free of charge for tuition and on terms of equality of white pupils.

138.35 State Archaeologist Appointment

This legislation provides the requirement for the appointment of the State Archaeologist. The duties of the State Archaeologist include responsibility to the Indian Affairs Council for protection of Indian burials, cemeteries, and reburial of Indian remains.

138.40 Cooperations of State Agencies, Development Plans

A cooperative agreement between the Department of Natural resources, the Department of Transportation and all other state agencies to carry out the provisions of Sections 138.31 to 138.42 which is Field Archaeology. Also stated in the legislation is when archaeological or historic sites are related to Indian history or religion, the Indian Affairs Council must be given the opportunity to review and recommend action.

138.58 State Historic Sites; Registry, Privately Owned Lands

Battle Point and Sugar Point are designated by law as "State historic sites." This section of land is located on the Leech Lake Indian Reservation in northern Minnesota. This section of the Minnesota Statute also includes the registry of state historic sites on property owned by private persons or tribal entities.

138.585 Native American Monument

This legislation lists in the subdivisions the "State Monuments" officially established as such by the State of Minnesota since 1873. They are as follows:

- Camp Release State Monument
- Chief White Cloud State Monument
- Chief Mouzomaunee State Monument
- Chief Sleepy Eyes State Monument
- Traverse des Sioux State Monument
- Native American Monument

138.95 Native American Memorial Plans

The purpose of this legislation is to express that the Minnesota Historical Society shall develop a plan for selecting a design for a capital memorial to Native Americans.

145.14 Health Grants

Special grants shall be made to community health boards to establish, operate, subsidize clinic facilities and to furnish health services for American Indians who reside off the reservation.

152.02 Peyote, Use by American Indian Church and Members

The use of peyote for religious ceremonies is allowed in the American Indian Church.

241.80 American Indian Counseling Program

This legislation authorizes the Commissioner of Corrections to develop a policy to provide counseling services to American Indian inmates of all juvenile and adult correctional facilities and community programs.

245.75 Federal Grants

This legislation authorizes the Commissioner of Human services to enter into contracts with the Department of Health and Human Services, Department of Interior Bureau of Indian Affairs, for the purpose of receiving federal grants for the welfare and relief of Minnesota Indians.

245.765 Reimbursement of County for Indian Welfare Costs

The Commissioner of Human Services shall reimburse any county all welfare costs expended by the county to any enrolled member of the Red Lake Band of Chippewa Indians that resides upon the Red Lake Indian Reservation. This reimbursement is contingent on the availability of funds.

254.814 Liability Insurance for Licensed Providers-Foster Homes

This legislation provides for the purchase of liability insurance to individual licensed foster home providers. This includes coverage to all foster home licensed by the department of human services, and foster homes licensed by federally recognized tribal governments.

246.44 Pipestone Indian School

This legislation authorizes the Commissioner of Human Services to enter into a lease with the United States of America for use by the state of the Pipestone Indian School of the Bureau of Indian Affairs. This lease is not valid until approved by the executive council.

251.17 Indians, Facilities for Treatment

This legislation authorizes the Governor and the Commissioner of Human Services to negotiate for and to accept conveyance from the United States of America for lands described in this subsection.

253B.212 Commitment by Tribal Court; Red Lake Band of Chippewa Indians

This legislation authorizes the Commissioner of Human of Services to contract with and receive payment from the Indian Health Service for the care and treatment of members of the Red Lake Band of Chippewa Indians who have been committed by tribal court.

254A.02 American Indian Defined

Chapter 254A sets forth the policy in providing persons who are dependent upon alcohol or other drugs with a comprehensive range of rehabilitative and social services. This legislation provides the definition of an American Indian as a person of one quarter or more Indian blood.

254A.03 Alcoholism and Drug Abuse Programs

This legislation creates an alcohol and other drug abuse section in the department of human services which includes American Indians. This legislation describes the benefits available for American Indian alcohol and drug abuse prevention.

254.031 American Indian Programs

This legislation authorizes the commissioner to enter into one or more purchase of service agreements to provide programs for American Indians. The agreements will provide for residential and aftercare treatment programs, programs relating to prevention, education, and community awareness, and training programs.

254A.035 American Indian Advisory Council

This legislation provides the policies and procedures established for the American Indian Advisory Council.

257.35 to 257.3579 Indian Family Preservation Act

The purpose of this legislation is to provide protocol for child placement for Indian children who are members of an Indian tribe or Alaskan Native. Included in this section are the following:

- Definitions
- Social Service Agency and Private Licensed Child Placing Agency Notice to Tribes
- Voluntary Foster Care Placement
- Child Placement Proceedings
- Placement Records
- Indian Child Welfare Grants
- Grant Applications
- Eligible Services
- Continued Legal Responsibility of Local Social Services Agencies
- Payment and Required Reports
- Monitoring and Evaluation

- Grant Formula
- Undistributed Funds
- American Indian Advisory Task Force

259.29 Tribal Enrollment

This legislation finds that as a result of an adoption, a child whose natural parents are enrolled in an American Indian tribe shall not change the child's enrollment in that tribe.

260.241 Termination of Parental Rights

This legislation terminates parental rights within the conditions set out in Section 260.221 Ground for Termination of Parental Rights. The parental rights effect are termination of all parental rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation or support existing between the child and parent.

268.6751 Allocation of Wage Subsidy Money

Seven and one-half percent of the money available for wage subsidy programs must be allocated at the discretion of the commissioner to provide jobs for residents of federally recognized tribes.

268.881 Jobs and Training Plans

This legislation finds that plans submitted by the tribe to the commissioner for provisions of employment and training services must be reviewed and commented on by the commissioner of human services.

270.60 Tax Refund Agreement with Indians

This commissioner, as a result of this legislation is authorized to enter into a tax refund agreement with the governing body of any Sioux or Chippewa reservation in Minnesota for any sales or excise tax paid by Indians. The commissioner is authorized to enter into tax refund agreements for refund of mutually agreed upon amount of cigarette taxes collected from sales on reservations or trust land.

307.08 Burial Grounds

This legislation sets forth provisions in this section which applies to all human burials or human skeletal remains on or in all public or private lands or waters in Minnesota and the role of the Indian Affairs Council's responsibilities for their protection and reburial.

325F.43 to 46 Imitations of American Indian Made Products

This legislation provides for consumer protection for imitation Indian made goods. Such goods must be labeled, or marked and bear the words "not Indian made".

340A.4055 Licenses in Indian Country

This legislation is valid with the approval of the commissioner for liquor licenses in Indian country. A liquor license issued under this subdivision does not require a license from any municipality, county or town.

462CA.07 Housing Finance Programs

This legislation provides additional powers and duties granted to the Housing Finance Agency for tribal and urban Indian housing programs.

462C.13 Housing Authorities

This legislation allows a city to establish an Indian housing authority with necessary powers to carry out housing projects for low and moderate income American Indians.

517.18 Marriage Solemnizations for American Indians

The legislature allows marriages to be solemnized among American Indians according to the form and usage of their religion by an Indian Mide' or holy person chosen by the parties to the marriage.

611.216 Criminal and Juvenile Justice Grants

This section sets forth criteria for the board of public defence to establish procedures for public defence operations based in this state to apply for funding by the legislature. Money may not be disburse to a corporation in the Leech Lake Reservations Area or the White Earth Area without approval by the respective tribal councils.

PROGRAM ACTIVITIES FOR 1990-91

Indian Burial/Reburial Project

Minnesota was one of the first states to protect Indian remains and those possessions that accompany an Indian burial. Indian burials are duly protected under the "Private Cemeteries Act". Any willful removal of such remains is a felony.

The Indian Affairs Council, in cooperation with the State Archaeologist, is responsible for the protection, and reburial of such remains. The Indian Affairs Council requested the release of 2,500 Indian remains from the University of Minnesota and the Science Museum of Minnesota for the purposes of reburial.

In 1990-91, the primary objective of the initial stage of reburial 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 that the remains are reinterred as soon as possible to their appropriate locations.

106 reburials took place during this time period. Five separate burial sites were accessed for reburial. The sites included Indian Mounds Park in St. Paul; Itasca State Park Indian Burial Mounds; an original burial site in New Ulm; original burial sites near Leech Lake Reservation; and the state owned Red Wing Cemetery site.

22 new cases were received during this time period and will be authenticated through the adopted procedures for reburial.

The minimum number of scheduled reburials for 1991-92 is 500. The original time period for the total reburial project is three years. After completing this project it is anticipated that the level of maintenance for new cases will remain between 20-50 individuals per year.

The area of prevention of new cases will be the primary focus of the Indian Affairs Council to inform the public about the law, protection of Indian remains, and procedures to follow when these sites are accidentally uncovered or discovered.

Indian Business Loan Program

The Indian Business Loan Program was authorized in 1973 and began processing loans in 1980 to provide Minnesota based Indians with the opportunity to establish and expand business enterprises both on and off the reservation.

Approximately \$89,000 per year is collected and deposited into a special revenue fund for the purposes of this program. The money for this fund is generated by taxing 20% of severed mineral interests and unmined ore which are received by county auditors. The Indian Affairs Council works with the tribes in processing and approving loans for their tribal members. The loan amounts available to each individual tribe is allocated based on percentages agreed upon by all the tribal councils.

The revolving loan fund has administered 84 loans totaling \$1,095,972 since the program began. In 1990-91, 8 loan applications were approved for a total of \$ 102,021.

Indian Economic Opportunity

The Indian Affairs Council has an interagency agreement with the Department of Jobs and Training to provide information and technical assistance to the tribes.

These programs include:

Community Services Block Grant Basic Support
Community Services Block Grant Supplemental
Minnesota Economic Opportunity Grants
Head Start Program
Emergency Community Service Homeless Grants
Temporary Emergency Food Assistance

The Economic Opportunity Specialist works with each of the reservations that have entered into contracts for program services and provides contract monitoring for compliance, reporting, invoicing, and internal auditing procedures.

AIDS Prevention Activities

The latest monthly surveillance report published by the Minnesota Department of Health indicates 1,017 AIDS cases in the state. Of these AIDS reported cases, 8 are identified as American Indian. This represents an increase of 3 since last years reported figures. Also, the number of HIV infection cases rose from 36 to 54 for this same time period.

REPORTED AIDS CASES BY RACE/ETHNICITY NOVEMBER 1, 1991

RACE/ETHNICITY	ADULT/ADOLESCENT CASES		PEDIATRIC CASES		TOTAL CASES	
WHITE	859	(85%)	4	(50%)	863	(85%)
BLACK	105	(10)	4	(50)	109	(11)
HISPANIC	33	(3)	0		33	(3)
ASIAN/PACIFIC ISLANDER	4	(<1)	0		4	(<1)
AMERICAN INDIAN/ALASKAN NATIVE	8	(1)	0		8	(1)
TOTAL	1009	(100)	8	(100)	1017	(100)

HIV INFECTION CASES AMONG AMERICAN INDIANS AND ALASKAN NATIVE NOVEMBER 1, 1991

AGE	MALE		FEMALE		TOTAL	
UNDER 13	0		0		0	
13-19	1	(3%)	0		1	
20-29	22	(58%)	9	(56%)	31	(57%)
30-39	13	(34%)	4	(25%)	17	(31%)
40-49	2	(5%)	3	(19%)	5	(9%)
OVER 49	0		0		0	
TOTAL	38		16		54	

The transmission category for HIV infection among Indians and Alaskan Natives indicates homosexual/bisexual Indian men representing 36% or 18 of the actual cases. Intravenous drug users represented 30% of the HIV cases with 7 men and 8 women reporting this means of transmission. Indian females reported heterosexual transmission at 12% or 6 cases. Five out of the 6 Indian women reported heterosexual contact with an intravenous drug user. The Indian Affairs Council has continued its support and advocacy for those programs providing prevention, education and direct services for Indians in preventing the further transmission of HIV in our communities. Culturally specific programming for our communities remains our policy position in the future legislative initiatives which provide funding for HIV prevention and services. This position of policy was articulated through legislation passed this year for communities of color and on the Commissioner's Task Force on AIDS in developing a report on "Meeting the Needs of Minnesotans with HIV Disease" 1991, published by the Minnesota Department of Health.

Indian Adolescent Chemical Dependency Program Models

According to the Consolidated Chemical Dependency Treatment Fund report for 1988, American Indian adolescents are admitted to detoxification more frequently than adolescents from all other races. They also represented 348 (24%) of the total admissions for treatment for this same period. This over representation based on population representing one percent of the total population indicates the severity of chemical use and abuse among our Indian adolescent population.

The issue of Indian adolescent chemical use and abuse was addressed by the legislature appropriating dollars to investigate and recommend possible methods for treatment. The Indian Affairs Council, through an interagency agreement with the Department of Human Services, developed a report to review chemical dependency treatment models for Indian adolescents.

Three regional treatment models and two residential treatment models were reviewed. Recommendations of the findings were submitted to a special advisory council specifically appointed to participate in the development of this report, the Indian Affairs Council, Urban Indian Advisory Council, Indian Chemical Dependency Advisory Council and the Department of Human Services.

The following is a summary of the recommendations in this report:

- That the Minnesota Legislature appropriate two million dollars for the development of American Indian adolescent chemical dependency treatment programs.
- That such treatment programs include a combination of residential and community based services.
- That the Legislature, Department of Human Services, Indian Affairs Council, American Indian Advisory Council comprise the development committee for these treatment programs.
- That such treatment programs be governed and staffed by tribal representatives and urban Indians.
- That such treatment programs be located on tribal or trust land.
- That cooperative agreement between the state, tribe, and Indian Health Service is necessary for offering an integrated approach to onsite treatment and coordinated aftercare.
- That cultural values and philosophies are an integral part of the treatment program and are reflected in the mission, administration, and staffing of the treatment program.
- That such treatment programs utilize family based therapy incorporating the cultural definition of Indian families, significant adults, elders, and responsible youth.
- Treatment should be focused on the child's current life and future in his or her own community.
- Affected children should be given support and skills that will enable them to survive and thrive

in those settings, even if those settings are deemed not very desirable.

-Treatment providers must be aware of the child's stage of cognitive, emotional and moral development and should talk and work with the child in a manner appropriate to those levels.

-Treatment of the child should take into account a long term view and assessment of the child's actions.

-The behavior of children tends to fluctuate more rapidly and as is done for adolescents, treatment should include special emphasis on building self esteem, successes, and a variety of healthy social and individual activities that a child can enjoy.

The American Indian adolescent treatment model that is proposed incorporates the continuation of intervention, short term counseling, and after care services that are provided by reservations and community based programs. These programs will develop outpatient treatment services in working collaboration with the residential treatment programs to provide a combination of services such as four weeks of inpatient treatment followed by six weeks of outpatient services.

Women of Color Conference

The Indian Affairs Council in cooperation with the Council on Black Minnesotans, Spanish Speaking Affairs Council and Council on Asian Pacific Minnesotans sponsored "Powers To Change" in August of 1990. There were over 250 participants and 37 presenters for this years conference.

The goals of the conference were to :

- 1) Strengthen the capability of service providers to provide comprehensive and quality services to women of color who are experiencing problems through the system.
- 2) Empower women of color to actively participate, identify and develop those services which meet their cultural commonalities and diversities in chemical dependency prevention, treatment and supportive services.
- 3) Prepare an action plan and final report.

The outcomes of the conference were actualized in several pieces of legislation that were passed during this session. Child protection issues were a major concern, particularly those areas of non compliance by the counties in following the Indian Child Welfare Act, Minority Heritage Act, and the Indian Family Preservations Act. As a result of a major effort of the communities of color, each of the four councils have a position for an "ombudsperson" for child protection.

INDIAN AFFAIRS COUNCIL EXPENDITURE REPORT ENDING JUNE 1991

	Council Operations	Indian Burial	Economic Development	Indian Business Loan	Other	TOTALS
SALARIES	160,170	4,783	35,548	49,869		250,370
CONSULTANTS	88,827	69,749				158,576
RENT	17,853					17,853
TRAVEL	24,912		9,668			34,580
EQUIPMENT	13,731					13,731
LOANS				102,021		102,021
WOMEN OF COLOR					25,147	25,147
ADOLESCENT REPORT					28,854	28,854
BOARD EXPENSE					2,290	2,290
OTHER COUNCIL EXPENSES	9,054	5,714	6,159			20,927
TOTALS	341,547	80,246	51,375	151,890	56,291	654,349

The Indian Affairs Council's annual operating budget for fiscal year ending June 30, 1991 was \$703,077. The 7.3% difference in the operating budget and actual expenditures is attributed to the overall council operations with reductions in expenditures for board expenses and vacancies in positions which were filled with temporary hires. Under expenditures in the reburial program totalled \$9,754. Next years reburial program will have higher expenses associated with a larger number of reburials. The Indian Business Loan Program under expenditure of \$12,605 is not an appropriation but a revolving loan fund from severed mineral taxes. These dollars remain in the loan program. Additional income was added to the council's budget from interagency agreements with the Department for Human Services for the Women of Color Conference and the Indian Adolescent Treatment Model Report.

MAP OF MINNESOTA RESERVATIONS

