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ANNUAL REPORT

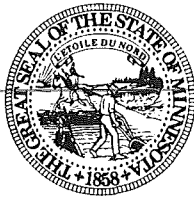
STATE OF MINNESOTA INDIAN AFFAIRS COUNCIL

JULY 1991-JUNE 1992

Roger Head
Executive Director

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State of Minnesota

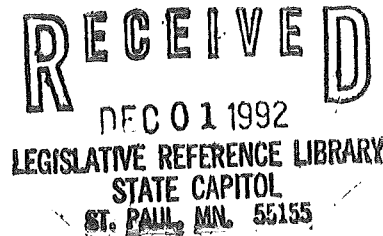
INDIAN AFFAIRS COUNCIL

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November 13, 1992

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



Dear Governor Carlson:

The Indian Affairs Council is pleased to submit its 1992 annual report as required by Minnesota Statute 3.922, Subdivision 9. The reader of this report is provided with an overview of the Indian Affairs Council, its duties, programming, special initiatives, and budget. Also included in this report are recommendations from the Urban Indian Advisory Council on three days of public hearings which were held in Minneapolis, St. Paul, and Duluth. These recommendations and findings will be incorporated into the 1993 activities for the Indian Affairs Council.

The statistical information provided in this report is primarily based on the 1990 census. The social indicators for our population continue to demonstrate the great challenges facing our communities, state and tribal governments. These social indicators are long term in nature and will require vigilant efforts from both the state and tribal governments to turn these adverse conditions around.

The issue of Indian Gaming is not specifically addressed in this particular report, however, we do recommend to our readers the "High Stakes: Gambling in Minnesota" published by the Minnesota Planning Long Range Planning Team, March 1992, for an update on Indian gaming in Minnesota.

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 upon request.

Sincerely:

A handwritten signature in dark ink, appearing to read "Roger Head".

Roger Head
Executive Director

THE
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INSTITUTE
OF GREAT
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AND IRELAND
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MISSION

INDIAN AFFAIRS COUNCIL MEMBERS

DUTIES OF THE COUNCIL

ORGANIZATIONAL CHART

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PROGRAMMING

TESTIMONY

MISSION

The Indian Affairs Council (IAC) 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 IAC 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 IAC 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 IAC also has an Urban Indian Advisory Council (UIAC). The UIAC consists of two representatives from Minneapolis, two representatives from St. Paul, and one representative from Duluth.

The ex-officio members of the IAC 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 IAC, 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.

INDIAN AFFAIRS COUNCIL MEMBERS

Executive Members

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

Council Members

Gary Donald, Bois Forte
Norman Dechampe, Grand Portage
Alfred Pemberton, Leech Lake
Jody Goodthunder, Lower Sioux
Marge Anderson, Mille Lacs
Freeman Johnson, Prairie Island
Gerald Brun, Red Lake
Juanita Echo Hawk, Upper Sioux
Loretta Gagnon, At Large
Delbert Cavanaugh, At Large

URBAN INDIAN ADVISORY COUNCIL

Roy James Roberts, Chairperson
Minneapolis
Valerie Sheehan, Vice Chair
Minneapolis
Nora Hakala, Secretary
Duluth
Sharon Day
St. Paul
Jan Lindstrom
St. Paul

EX-OFFICIO MEMBERS

Senator Cal Larson, Fergus Falls
Representative Karen Clark, Minneapolis
Senator Jane Ranum, Minneapolis
Representative Loren Thompson, Waubun
Senator Sandy Pappas, St. Paul
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

DUTIES OF THE INDIAN AFFAIRS COUNCIL

The council shall:

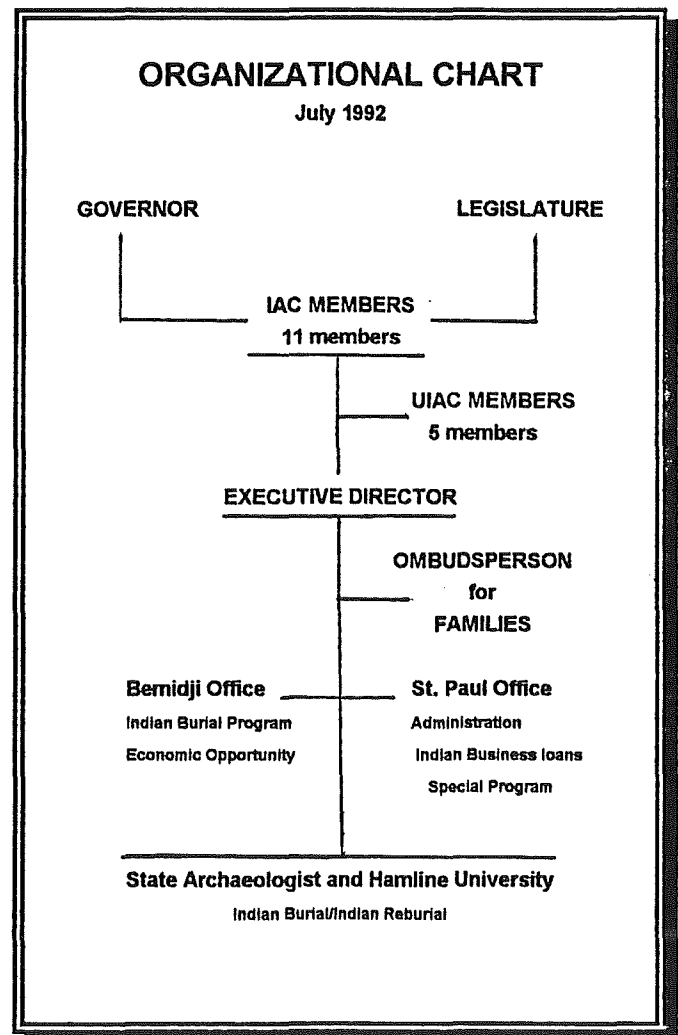
- 1). clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota;
- 2). assist the Secretary of State in establishing and election of at-large members of the council;
- 3). make recommendations to members 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 36.6 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.

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

SOCIAL INDICATORS

The social indicators of the American Indian population in Minnesota indicate a spiral downward for the past decade. American Indians fared the worse of all communities of color in the state in the areas of income, employment, and education.

Health

The median age for American Indian Indians in 1990 residing on reservations and trust lands was 21.4 years of age compared to a median age of 32 for the state population. In 1988, American Indians had the highest reported number of teen pregnancies born to mothers under 19 years of age. The fertility rate of American Indians is 136.2 births per thousand women compared to 66.9 births per thousand for white women. The infant mortality rate for American Indians in 1990 was 12% compared to the overall population rate of 7.3%. The average life expectancy in 1980 was 66.2 years for American Indian males compared to 72.6 years for whites. American Indian females average life expectancy is 74.5 compared to 80.3 for white females.

Poverty

In 1990, 12% of all children in the state lived in poverty. Poverty among whites was unchanged during the 1980's however the number of Indians living below poverty increased. In 1980, the percent of American Indians living below the poverty line was 30.1%. This compared to 8.9% for whites, 26.6% for African Americans, 25.6% for Asians and 18.2% for Hispanics. In 1989, the poverty line increase sharply. American Indians living in poverty increase to 43%, African Americans increased to 36.8%, Asian/Pacific increased to 31.7% and Hispanics increased to 25.6%. 43.7% of the state's American Indian population was in poverty in 1989 compared to 30.9% of the U.S. American Indian population. 55% of all American Indian children in Minnesota lives in poverty, compared to 50% of African American children, 31.7% of Asian/Pacific children, and 25.6% of Hispanic children. American Indians represent 8.1% of the Aid to Families with Dependent Children (AFDC). 13,062 American Indians in the state were eligible for AFDC in January of 1990. In 1980, the medium income for American Indians was 60.6 % of the white medium income. In 1989, the median household income for whites was \$34,465, Hispanics was \$27,833, Asian/Pacific was \$24,961, and American Indians was \$16,983, or 49.2% of whites medium income. American Indians in Minnesota have less than half the income of white households.

Families

Teen American Indian mothers represented 49% of all American Indian pregnancies. The number of out of wedlock births also increase from 53.1% in 1979 to 68.8% in 1988 for American Indians. In Minneapolis, less than one in five American Indian children live in two parent families in 1990. In 1990, 9,178 children in Minnesota suffered abuse and neglect. The number of children in foster care has increased to more the 15,000 children. Children from communities of color are placed in foster care at a ratio of 7 to 1 compared to other children of color throughout the United States at 2 to 1. American Indian children represent 12% of all out of home placements. There was a 32% increase in American Indian out of home placements from 1987-1990.

Violence

The percentage of violent injury and death for children and youth was 30% in 1990. The percentage of all deaths that are violent or injury related for ages 0-19 include unintentional injuries, homicides and suicides. American Indians between the ages of 1-4 are four times as likely to die of accidents than whites. American Indians between the ages of 5-14 are 2.3 times as likely to die of accidents than whites. American Indians between the ages of 15-24 are 8 times likely to die from homicide than whites. In 1990, American Indians were killed at a rate of 46 per 100,000 residents compared to 1.7 per 100,000 for whites.

Crime

American Indians in Minnesota are 10 times more likely than white Minnesotans to be in a state prison in 1990. As of January 1992, there were 270 Indian men and 15 Indian women in Minnesota adult correctional facilities. Approximately 99% of all offenses committed by Indian offenders were while under the influence of alcohol and/or drugs. The number of juvenile arrests for violent crime per 1000 juveniles was 2.8.

Employment

The five highest areas of unemployment in the state by region includes the Northwest (7.9%), Headwaters (7.6%), Arrowhead (6.65%), Region 5 (7.8%), and East Central (7.5%) areas of the state. The 1990 state unemployment rate was 4.8% compared to the United States unemployment rate of 5.5%. The unemployment for communities of color in 1988 was over 15%. American Indian males (22%) and females (16%) have the highest unemployment rate for all races in 1990.

Education

Drop out rates for the entire state indicate that American Indians annual drop out percentage in 1988 was 11.6% compared to 3.0 for all groups. The drop out percentage for Asians was 3.1%, Hispanics was 8.1%, African American was 11.3% and whites was 3.2%. American Indians and African Americans have the highest average annual percentage of dropping out of school. Enrollment increased in all racial and ethnic groups in Metropolitan area schools for 1989-90. It increased faster than any of previous three years. Minneapolis is the first district to have as many minority students and white students. American Indian enrollment in Minneapolis accounted for 97% of the total increase in Indian enrollment with the region. The percentage of students entering colleges and universities in 1988

indicated that Asians students represented 1.7%, African Americans were 1.4%, American Indians were .8%, and Hispanics were .6% of the total enrollment in all collegiate institutions in the state.

Representation in State Government

The State of Minnesota employs more than 39,000 people. Approximately 5% (1,801) represent African Americans, American Indians, Asian Pacific Islanders, and Hispanic populations. Hiring by legislators from the communities of color for administrative and manager positions is at 2%. There is one senator, and three representatives of color that constituted the composition of elected legislators, or 1.9% of the State Legislature. There is one American Indian senator and one American Indian on the State Board of Education.

BIENNIAL BUDGET FOR FISCAL YEAR 1992 AND ESTIMATES FOR 1992

ACTIVITY	FISCAL YEAR 1992	FISCAL YEAR 1993
INDIAN AFFAIRS	\$320,000	\$366,000
INDIAN BUSINESS LOAN	104,000	431,000
INDIAN BURIAL/REBURIAL	89,000	90,000
OMBUDSPERSON	11,000	33,000
ECONOMIC DEVELOPMENT	57,000	57,000
TOTAL	\$581,000	\$977,000
SOURCE OF FUNDS		
GENERAL FUND	\$407,000	\$453,000
SPECIAL REVENUE	115,000	464,000
FEDERAL	57,000	57,000
GIFTS	2,000	3,000
TOTAL	\$581,000	\$977,000
EXPENDITURES		
PERSONNEL	\$180,000	\$279,000
OPERATING	31,000	46,000
CONTRACTUAL	84,000	32,000
SUPPLIES	11,000	9,000
EQUIPMENT	4,000	0
LOCAL ASSISTANCE	10,000	0
TOTAL	\$320,000	\$366,000

INDIAN AFFAIRS COUNCIL

The IAC is responsible for direct programming efforts that include the areas of Indian burial, Indian Business Loans, Indian Economic Development and Special Projects. The following provides an overview of those program efforts for fiscal year 1992 and proposed activities for fiscal year 1993.

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 IAC, in cooperation with the State Archaeologist, is responsible for the protection, and reburial of such remains. The IAC requested the release of 2,500 Indian remains from the University of Minnesota, 68 individual remains from 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. The original time period for the total reburial project is three years, however, due to budget reductions, this project will extend beyond five years. 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 IAC to inform the public about the law, protection of Indian remains, and procedures to follow when these sites are accidentally uncovered or discovered.

In fiscal year 1991-92 there were 395 individuals reburied in five separate ceremonies throughout the state.

Indian Business Loan Program

The Indian Business Loan Program was authorized in 1973 and began processing loans in 1980 to provide Minnesota based American Indians with the opportunity to establish and expand business enterprises both on and off the reservation. Approximately \$90,000 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.

For fiscal year 1992, seven loans were made for a total of \$72,392. There are 48 loans in an "active" status and 12 loans have been paid in full since the beginning of the program, which has returned \$140,531 to the revolving loan fund.

Indian Economic Opportunity

The IAC 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 eleven reservations that have entered into contracts for program services and provides contract monitoring for compliance, reporting, invoicing, and internal auditing procedures. Requests for technical assistance include review of compliance procedures, reporting requirements, proper completion of forms, assistance with workplans and budgets, and training of new staff.

Summer Employment Initiative

Governor Carlson initiated a summer employment initiative which provided 300 jobs for statewide positions in clerical, labor, and student para-professionals. In addition, another 500 members from protected classes and females were to be placed with awarded Minnesota Department of Transportation (MNDOT) contracts for highway construction. There were 707 applications from throughout the state, of which 219 were females and 488 were males ranging from 14-52 years of age. There were 587 American Indian applicants. A total of 78 persons were placed in MNDOT positions. The retention rate through September of 1992 was

75% in the Minneapolis area and 94% in the greater Minnesota area. Only 2 individuals have been placed with MNDOT contractors including the seven building trades of carpenter, cement masons, laborers, plumbers and heavy equipment operators.

The summer employment initiative worked well for the youth, however, the placement with MNDOT contractors continues to be a problem. Contractors are reluctant to hire, and are not familiar with the Governors Employment Initiative. Non-union jobs are available in the greater Minnesota area, while the metropolitan area is predominantly union.

Special Program Initiatives

There are various activities that the IAC is asked to undertake as part of its overall mission, however, often these requests fall into a special project category which are considered to be short term in duration.

The Urban Indian Advisory Council (UIAC) is an active subcommittee of the IAC and meets every other month. Its purpose is to report to the IAC on the issues and concerns affecting the status of urban Indians.

Special activities stem from the UIAC which include making recommendations to the Minnesota Housing Finance Agency on urban Indian housing concerns, holding of public hearings in Minneapolis, Duluth, and St. Paul, and representation of two of the UIAC board members as members of the Ombudsperson for Families Advisory Board. A significant amount of time has been devoted this past year to the implementation and ongoing staff support for the ombudsperson for families position and development of the ombudsperson advisory board.

Ombudsperson for Families

The Ombudsperson for Indian Families has broad powers and authority to investigate issues of out of home placement, compliance, and making recommendations to the legislature and governor on the status of out of home placement of American Indian children. The IAC, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans and Spanish Speaking Affairs Council each were responsible for the hiring of a part time ombudsperson for their respective communities. The four positions were all hired by May of this year and a reception was held to announce this position to the public. The continued planning and coordination for this position is shared by the four councils.

Heritage Preservation Act Indian Child Welfare

American Indian children and the protection of American Indian children continues to be a special focus. The Ombudsperson for Families Advisory Board and IAC staff were involved in the passage of the Heritage Preservation Act. This act is highlighted in the legislative update. Other American Indian child welfare activities includes participation in the development of a Tribal State Agreement on the placement of American Indian children. This task has been initiated by the Minnesota Chippewa Tribe and represents over 6 months of continual meeting and drafting of a proposed agreement which reinforces the jurisdiction of tribes and the state's responsibility for the provision of services in dealing with placements of American Indian children.

Child Abuse and Neglect Forum

Child abuse and neglect is the most often reported reason for removal of American Indian children from their families. A fall forum on child abuse and neglect was held to discuss issues of cultural competency, family systems, and how to impact the legislative process. This project has been an ongoing planning activity of the IAC since last fall. Each of the four councils were program sponsors and presenters at the fall forum.

Indian Homeless

The IAC has been an advisor to other special projects which include working with the development of the Minnesota Indian Housing Corporation. This organization has been meeting over the past year to specifically look at issues of the homeless, and has expanded its mission to include housing options on a broader scale. Estimates are that approximately 10% of the American Indian population is homeless. The IAC will continue its support of these housing initiatives.

HIV/AIDS Prevention

HIV/AIDS prevention continues as a special program effort. The number of cases of HIV/AIDS cases continues to grow. There were 388 American Indian AIDS cases in the United States as of June 1992. This represented a 42% increase from the 273 cases for this same period from last year. In Minnesota there are 59 HIV cases and 10 AIDS cases for American Indians. This represents an 18% and 25% increase respectively from last September. The IAC will continue its involvement in HIV/AIDS prevention as a member of the HIV/AIDS interagency review team with the Minnesota Department of Health, program reviewer for Minnesota Department of Health Prevention

Grants, and technical advisor for programming efforts in communities of color.

Technical Assistance/Proposal Review

Recommendations for funding of American Indian programs is also a special program function for the IAC. Requests come from private foundations, individual donors and state agencies for proposal review and recommendations for funding of Indian program initiatives. The IAC has been a reviewer for the Minnesota Department Health for HIV/AIDS prevention proposals for the past two funding cycles. The Minnesota American Indian AIDS Task Force, Indian Health Board of Minneapolis, and White Earth Tribal Council have been recipients of this funding. Several other state agency reviews included the Department of Human Services for Teen Pregnancy Prevention Grants, Indian Child Welfare Grants, and Indian Mental Grants. The IAC has also served as a resource to Minneapolis Foundation and General Mills Foundation for program information and recommendations on potential Indian programming recipients.

Census Information

The IAC has been continually involved with the 1990 Census collection and dissemination of data. This data is a resource to community organizations,

planners, tribes, and other policy makers. A special census group has been developed with representation from the four councils to discuss data needs and make limited funding available to tribes and community groups to further their programs through capacity building efforts. This group is sponsored by the Urban Coalition.

Indian Foundations/Endowments

The issue of non-profit organizations creating endowments and tribes establishing foundations has been a point of discussion within American Indian community. With the advent of gaming, and requests to tribes for support for urban services, various models are being discussed. Tribes are interested in how they can be supportive to their urban constituents. The Kellogg Foundation is currently working with the tribes from Michigan to look at development of American Indian Foundations. The IAC is working with the St. Paul Foundation in the creation of endowments for communities of color. The idea represents a new effort for investigation and recommendations to tribes and urban Indian organizations on the creation of endowments and formalized giving through private and possibly tribal foundations.

PUBLIC TESTIMONY

The UIAC held three public hearings during the month of August to gather information on the status of urban Indians. There were forty-two individuals who provided verbal or hand written testimony. The areas presented are in categories with accompanying recommendations and resolutions for the IAC's consideration. These recommendations will become a working document for the 1993 program year.

Housing

Creation of Affordable Housing

- Business and Community Partnerships
- Funding for interagency collaboration
- Homeless
- Children leaving foster care
- Wet Dry Facility in North Minneapolis
- Handicap
- Emergency Assistance
 - Rent
 - Utilities
 - Deposits
- Funding for staffing the Duluth urban Indian housing corporation
- Full funding of Section 8 program

The issues of housing continues to be a major area of concern for the urban Indian population. The urban areas have experienced a rapid growth in the past ten years. The need for safe and affordable housing, and housing options is part of our

recommendation with three resolutions for the IAC's consideration. The three resolutions address the issues of creation of affordable housing, developing partnerships, and addressing special population needs (i.e. homeless, elderly, etc).

The fourth resolution addresses the funding of the administration of programs through the Urban Indian Housing Program of the Minnesota Housing Finance Agency.

The Minnesota Housing Finance Agency works cooperatively with the UIAC on urban Indian issues. Our recommendations continue to influence the direction of the agency. We anticipate that our recommendation for a change in the statute regarding a metropolitan areas will be accepted by the agency and allow for expansion of the urban Indian housing program.

Tribal Issues

- Urban Offices for each reservation
- Enrollment
 - Eligibility for programs
 - Options for enrollment
 - Clans versus tribal
 - Gender bias
- Gaming
 - Long Range Planning
- Programs
 - Financial information for members
 - Urban Initiatives
- Tribal Chairs/and representatives to be more visible to urban Indian constituencies

Clearly, testimony on tribal issues was another important issue for urban Indian constituents. The number one concern focused on tribal enrollment issues, the need for tribal offices in the urban area, and communication between the tribes and their members on the status of gaming (i.e. financial information, plans for development, on and off reservation programming, etc). Specific testimony was provided by a tribal office in the urban area on the nature of the services and types of requests from tribal members.

The UIAC recommends that:

Tribal governments conduct special meetings/hearings on the issues surrounding enrollment.

Tribal governments investigate the feasibility of having tribal offices in the urban area.

Tribal governments recognize the need to communicate to urban constituents on the status of tribal operations including gaming and long range plans.

Child Protection

- Training for Judges, Child Protection Workers, and Courts
- Non-compliance issues

Child protection issues are ongoing activities for the UIAC. The new position of Ombudsperson for Indian Families is providing additional powers to address the issues of training, noncompliance, and out of home placement. There are no recommendations at this time, however, the IAC will be involved in making recommendations based on the Ombudsperson report to the Governor and legislature on child protection issues. The IAC staff and members of the UIAC have been participating

with the Minnesota Chippewa Tribe on a Tribal State Agreement for the protection and placement of all Indian children in the state.

Education

- Racism and Mascot Issue
- Re-organization of the Indian Education Section in the Department of Education
- Expansion of programs for educational opportunities
 - Indian Scholarships
 - JOM
 - Post Secondary
 - Indian Language and Culture
 - Early Childhood Funds
 - Tribal Equalization
 - Bilingual Education Title VII
 - Teacher Training
 - Eminent Credentialing
 - Desegregation
 - Definition of Minority
 - Non-compliance
 - Enforcement issues
 - Long Range Planning
 - Parental Involvement/control
 - Indian Social Worker Aides
 - Indian counselors in technical and vocational colleges
 - Support for alternative schools and adult education programs at:
 - Red School House
 - Access by the RSH of district programs, facilities
 - Heart of the Earth
 - Minneapolis American Indian Center
 - Non-competitive grants, set asides, special funding for:
 - Alternative schools,
 - Adult Literacy
 - FAS/FAE in the classroom

The UIAC is presenting one resolution for the full IAC's consideration regarding the reorganization of the Indian Education Section within the Department of Education. A similar attempt at reorganization was proposed for the Chemical Dependency Program Division. Specific legislation was introduced and passed to preserve the integrity of this section and serving Indian populations.

The majority of other issues identified are on-going activities of the IAC. However, the issue of eminent credentialing, and the certification of Indian language teachers needs further review. The issue of desegregation is under review by the State Board of Education, and will continually be monitored

through the Indian Education Section.

The Indian Social Worker Aides is now funded through a private foundation. Given the status of the state budget, it is not possible to determine whether this program would be funded for the next biennial budget period. The projected budget revenue projection is at 11% increase with projected budget expenditures for existing programs at a 14% increase.

Multipurpose Center for the St. Paul Community

There are no recommendations at this time regarding this presentation. The St. Paul representatives will be asked to further investigate the role the IAC can provide regarding this issue.

Gang Violence

Funding
Prevention

The past legislative session provided funding for prevention activities in the area of youth. The IAC has supported those programs seeking funding under these initiatives.

Elders/Disabled

Strategy for Action
Advocacy
Institutional Racism
Discrimination
Abuse
Isolation
Access to Services
Triple Jeopardy
 Age
 Race
 Poverty
Access to cultural and spiritual activities
Older Americans Act
 Change definition to meet need, not age

The issues of the elderly and handicap are multiple issues. There are no recommendations at this time. The UIAC will investigate and determine what level of support can be provided by the IAC for action.

Chemical Dependency

Chemical dependency is an on-going issue for the IAC. The Chemical Dependency Program Division communicates with the IAC on needs and legislative action. A report submitted by the IAC regarding the need for adolescent treatment programs was submitted by the division to the legislature and funding was made available to begin such

programming.

Mental Health

Sexual Abuse
Spiritual Abuse

Mental Health funding for American Indians in the state has been limited by the amount of federal dollars received and allocated for Indian programming. The federal funding is anticipated to be increased during the next fiscal year. The IAC was involved in reviewing and making recommendations on American Indian mental health programs throughout the state. There are particular issues that were raised as it pertains to litigation regarding spiritual discrimination and abuse. These issues will continue to demand our attention.

Heart of the Earth Programs

P.I.P.E.S.
Prison Program
K-8 Program

The IAC is aware of the status of the Heart of the Earth Programs and continues to provide support for funding initiatives. Recommendations for legislative changes will be considered.

Corrections

Prevention Programs
Protection of civil rights

Approximately 8% of the adult prison population is American Indian. The IAC has received several complaints regarding the correction system, particularly as it pertains to human rights issues. The IAC will meet with the Commissioner of Human Rights, and Corrections to review the status of American Indian inmates and the possible needs for a task force or review committee.

Child Support

Enrollment Issues

The area of child support issues focused on tribes and the inability to collect for court ordered child support payments. Some issues for non payment seemed to relate to enrollment. However, the UIAC is keenly aware of the financial environment of our children. Fifty five percent of all Indian children living in the state are living in poverty.

The UIAC recommends that:

Tribal governments recognize court order child support payments and expedite those payments

on behalf of the child and as tribal employers convey this policy to all managers, or contractors working on behalf of the tribe.

Casinos

- Discrimination
- Women in management

Several issues surrounding areas of discrimination were raised particularly as it pertained to the hiring and management practices of casinos.

The UIAC recommends that:

All employment programs review or develop policies to protect against discrimination and sexual harassment in the work place.

Data Collection

- State agencies

The UIAC recommends that:

That the IAC proceed with data collection for the American Indian population for all areas of the state government.

Women and Children Issues

- Homeless
- Health services
- Chemical Dependency
- Cycles of Poverty
- Heads of Households

There are no immediate recommendations for this to be viewed as a separate grouping. The issues identified are addressed in other areas which are ongoing.

Early Child Education

This issue is addressed in the education agenda.

Cultural Awareness

Cultural awareness and training is a function of the agency. Arrangements and referral for such training is made routinely by the IAC.

Changing Systems

- Child Protection reimbursements
- Cases of neglect are due to poverty

This would require a special program focus and will be reviewed for further determination of need.

Affirmative Action Issues

- Construction Goals

Monitoring for Compliance

Civil Rights/Human Rights

- Housing Discrimination
- Human Rights Representation in Bemidji and Duluth

The UIAC recommends that:

The Commissioner of Human Rights be informed of these issues and that the IAC make recommendations for implementation with the Commissioner.

Change Definition of Urban Area

- Include Bemidji as an urban area

This issue is addressed in the form of a resolution as it pertains to urban Indian housing and its definition of an urban area.

Health Issues

- Urban Indians
 - Barriers
 - Transportation
 - Institutional eligibility
 - Service capabilities
 - Heart Disease
 - Cancer
 - Cervical and breast cancer screening
 - Accidents
 - Infant Mortality
 - Sudden Infant Death
 - Tuberculosis
 - Hepatitis B
 - Gonorrhea
 - HIV/AIDS
 - Family Planning
 - Teen Pregnancy
 - Low birth weight
 - Dental care
 - Agent Orange/Dioxin on reservation for defoliate

The IAC has been involved in targeted health issues such as HIV/AIDS prevention and service, teen pregnancy, smoking cessation, and alcohol and drug abuse. There are no specific recommendations, but to continue with ongoing involvement in targeted health care issues and providing support for such programming efforts. The IAC has also been involved in the screening of a minority health advisor to the Commissioner of Health and serves as a resource on health care issues.

Minnesota Care and Impact on Indian Populations

The IAC is participating with the Urban Coalition in developing recommendations on health care access and issues affecting communities of color. There are no recommendations at this time, but participation will be on-going in addressing access issues.

Indian Religious Freedom Act

There are to be oversight hearings scheduled in the Twin Cities to hear testimony on the Indian Religious Freedom Act. The IAC will monitor and encourage participation at these hearings.

Indian Values and a Global Concern

- Environment
- Nuclear Power
- Acid rain
- Technology
- Work Force

Due to the massiveness of these identified issues, no recommendations were made at this

time for council review. However, the IAC supports the efforts of the Prairie Island community in the above ground storage of nuclear waste. Issues of the workforce tie into the education and business development activities of the IAC.

Procurement/Buy Indian Government Contracts/State Set Asides

- Tribal Governments
- Casinos

The UIAC recommends:

That tribes actively recruit and purchase services of Indian owned businesses.

That tribes in contract or subcontract agreements require a set aside for the employment of American Indians, or in the case of goods or supplies, that such supplies be provided by businesses owned by American Indians.

RESOLUTIONS

American Indian Housing Corporation

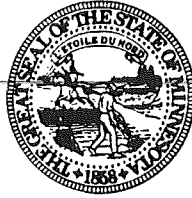
Little Earth of United Tribes

Definition of an Urban Area

Housing Administration Dollars for Duluth

Indian Education Section - Department of Education

American Indian Research and Policy Institute



State of Minnesota

INDIAN AFFAIRS COUNCIL

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

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

RESOLUTION 093092-01

WHEREAS, the Minnesota Indian Affairs Council was created by the State Legislature in 1963 to advise the Legislature and State Agencies on Indian affairs, issues, concerns, and to include assistance and support of both urban and reservation needs, and

WHEREAS, the Governor of the State of Minnesota has initiated "Minnesota Milestones" as a vision and plan for the future of the state, and

WHEREAS, one of the visions for the state is for "a prosperous people", and

WHEREAS, the goal for the state is that *all Minnesotans will have a place to live that is clean and safe*, and

WHEREAS, the number of American Indians residing in the state has increased thirty seven percent since 1980 and the urban areas of Minneapolis, St. Paul and Duluth have experienced a forty percent increase in the American Indian population since 1980, and

WHEREAS, forty four percent of the American Indian population is living below the poverty guidelines, and

WHEREAS, American Indians median household incomes is \$16,983 year compared to \$34,465 per year for whites, and

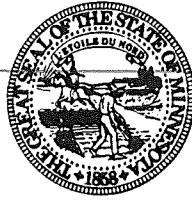
WHEREAS, approximately ten percent or 4,909 American Indians are homeless, and

WHEREAS, the number of homeless, overcrowded living conditions, percent of available income for housing, owner occupied and rental housing for American Indians indicates a crisis in safe and affordable housing,

THEREFORE BE IT RESOLVED THAT the Minnesota Indian Affairs Council supports the efforts of the American Indian Housing Corporation in their capacity building efforts which include accessing the housing needs, developing strategies for safe and affordable housing, and providing housing to meet the needs of special populations, and in particular, the urban Indian population throughout the state, and

LET IT FURTHER BE RESOLVED THAT, the Minnesota Indian Affairs Council encourages tribal sponsorship for the purposes of application for emergency shelter grants through the Department of Housing and Urban Development with the American Indian Housing Corporation.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.



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RESOLUTION 093092-02

WHEREAS, the Minnesota Indian Affairs Council was created by the State Legislature in 1963 to advise the Legislature and State Agencies on Indian affairs, issues, concerns, and to include assistance and support of both urban and reservation needs, and

WHEREAS, the provision of safe and affordable housing for American Indians residing in the urban areas continues to be identified by tribal and state officials as a priority for housing initiatives, and

WHEREAS, the State of Minnesota passed legislation in 1989 so that cities may establish an Indian housing authority with all the necessary powers to carry out housing project for low and moderate income American Indians, and

WHEREAS, the Little Earth of United Tribes is providing such housing for low and moderate income families, and

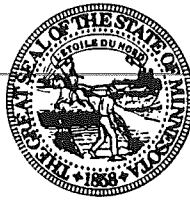
WHEREAS, the Little Earth of United Tribes provides such housing to a population that is predominantly identified as American Indian, and

WHEREAS, the Department of Housing and Urban Development has attempted to repeatedly foreclose on this 212 unit housing development, and

WHEREAS, the Department of Housing and Urban Development has been repeatedly requested to turn over the management and ownership to reflect the community which it has and continues to serve,

THEREFORE BE IT RESOLVED THAT the Minnesota Indian Affairs Council directs the Department of Housing and Urban Development to fully recognize the Minneapolis Indian Housing Authority as a viable legal entity with the authority to own and manage the Little Earth Housing for low and moderate income American Indians and their families.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.



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RESOLUTION 093092-03

WHEREAS, the Indian Affairs Council is the official liaison for the State of Minnesota regarding Indian issues and concerns and;

WHEREAS, the Indian Affairs Council consists of elected tribal chairs of the eleven reservations in the State of Minnesota and;

WHEREAS, the Indian Affairs Council is to receive recommendations from the Urban Indian Advisory Council on the status of the state's urban Indian population and;

WHEREAS, a significant number of Indians reside in the urban areas of the state and;

WHEREAS, the Urban Indian Advisory Council is to advise the Minnesota Housing Finance agency on housing issues affecting Indians in the urban areas of Minneapolis, St. Paul, and Duluth, and

WHEREAS, according to the 1990 census, the urban Indian population has increased by forty percent in those areas, and

WHEREAS, other cities in the state have experienced growth at sixty seven percent, and

WHEREAS, the city of Bemidji has experience 120 percent increase for a total of 1,017 in its Indian population since 1980 and

WHEREAS, the city of Bemidji has a total population of 11,245 and,

WHEREAS, Minnesota Statute 462A.07 Subdivision 15 states that the Minnesota Housing Finance Agency may engage in housing programs for low and moderate income American Indians residing in the metropolitan area defined in section 473.121, subdivision 2, and cities with a population greater than 50,000 persons,

THEREFORE BE IT RESOLVED in order to meet the expanding need for housing in urban areas for Indians, the Urban Indian Advisory Council recommends that the Indian Affairs Council support legislation to expand the definition of a metropolitan area from 50,000 persons to include *or an Indian population of 1,000 or more* for the purposes of the section.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.



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RESOLUTION 093092-04

WHEREAS, the Indian Affairs Council is the official liaison for the State of Minnesota regarding Indian issues and concerns and;

WHEREAS, the Indian Affairs Council consists of elected tribal chairs of the eleven reservations in the State of Minnesota and;

WHEREAS, the Indian Affairs Council is to receive recommendations from the Urban Indian Advisory Council on the status of the state's urban Indian population and;

WHEREAS, according to the 1990 census, the urban Indian population has increased by forty percent in those areas, and

WHEREAS, the number of American Indians residing in the Duluth have experienced a thirty six percent increase in their population since 1980, and

WHEREAS, the housing stock available in the Duluth area continues to provide limited options for Indian families for home ownership or rental, and

WHEREAS, the provision of safe and affordable housing for American Indians residing in the urban areas continues to be identified by tribal and state officials as a priority for housing initiatives, and

WHEREAS, the Urban Indian Advisory Council is to advise the Minnesota Housing Finance agency on housing issues affecting Indians in the urban areas of Minneapolis, St. Paul, and Duluth,

THEREFORE BE IT RESOLVED THAT the Urban Indian Advisory Council recommends that the Minnesota Indian Affairs Council direct the Minnesota Housing Finance Agency to allow Indian housing programs to utilize financing through the Urban Indian Housing Program for the administration of such programs to provide safe and affordable housing for Indians in urban areas, and

LET IT FURTHER BE RESOLVED THAT the Indian Affairs Council supports the application and approval of the Greater Duluth Grand Portage Enrollees, a nonprofit housing corporation, to the Minnesota Housing Finance Agency for such funding for administration of urban Indian housing initiatives in the Duluth area.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.



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RESOLUTION 093092-05

WHEREAS, the Minnesota Indian Affairs Council was created by the State Legislature in 1963 to advise the Legislature and State Agencies on Indian affairs, issues, concerns, and to include assistance and support of both urban and reservation needs, and

WHEREAS, education is valued as the key to success of individuals and the communities economic success, and

WHEREAS, education standards are to reflect excellence for all students, and

WHEREAS, schools are to meet the needs of students, and

WHEREAS, student diversity is to be valued and respected, and

WHEREAS, such diversity must be taught and presented as part of the overall curriculum within the public schools, and

WHEREAS, graduate rates are an indicator of the success of the public schools system, and

WHEREAS, Indian student graduation rates demonstrate that fifty three percent will graduate compared to eighty eight percent for white students in the state, and

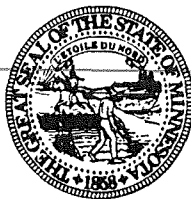
WHEREAS, the Department of Education is proposing the restructuring of the Indian Education Section, and

WHEREAS, such restructuring does not acknowledge the importance of the crisis affecting the education of our Indian children and youth, and

WHEREAS, the models for Indian education in the state are recognized nationally as addressing the needs of Indian students on and off the reservation,

THEREFORE BE IT RESOLVED THAT, the Indian Affairs Council directs the Department of Education to cease until there is input from the tribes, and that the Department of Education recognize the unique political status and statutory protection of tribes and their constituents in the state.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.



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RESOLUTION 093092-06

WHEREAS, the Minnesota Indian Affairs Council was created in 1963 under Minnesota Statutes Section 3.922 subdivision 1 to act as the official liaison between State and Tribal Governments, and

WHEREAS, under Minnesota statute section 3.922 subdivision 8, and the Urban Indian Advisory Council was created to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state, and

WHEREAS, the Urban Indian Advisory Council is interested in the further development of Indian policy as it pertains urban Indians through collaborative efforts, and

WHEREAS, there is a need to better educate policy makers at all levels of governments about the unique political status of American Indians and their needs; and

WHEREAS, there is a need to provide a regular forum for American Indian Indians and others who work with Indian communities to consider issues of Indian law and policy and their impact upon Indian communities, and

WHEREAS, there is a need to support and conduct academic and policy research on critical issues of contemporary American Indian communities, and

WHEREAS, there is a need for the development of such policy center to work collaboratively with representatives from urban Indian communities, tribal governments, and others in the state, region and nation in the formation of such policy centers, and

WHEREAS, there is the need to encourage the education of the wider, non-Indian community about the critical issues which the American Indian community faces in the coming decades and generations;

NOW, THEREFORE BE IT RESOLVED THAT, the Urban Indian Advisory Council encourages the Indian Affairs Council to approve the development of an American Indian Research and Policy Institute and that such organizers of this institute collaborate with the efforts of the American Indian Policy and Justice Center concept at the University of Minnesota Duluth.

Resolution passed on September 30, 1992 Annual Meeting of the Indian Affairs Council and Urban Indian Advisory Council.

SUMMARY OF 1992 LEGISLATIVE ACTIVITIES
OVERVIEW OF EXISTING MINNESOTA STATUTES

SUMMARY OF 1992 LEGISLATIVE ACTIVITIES

Agriculture:

Wild Rice labeling (HF2804) Further clarifies the distinction between hand harvested wild rice by American Indians and machine harvested wild rice with Canadian air boats.

Appropriations:

K-12 projects \$25.8 million

Higher Education \$102 million

Battle Point Historic Site

\$50,000 appropriation to develop an interpretive center at Battle Point on Leech Lake was transferred from the Indian Affairs Council to the Minnesota Historical Society.

Preserving Mille Lacs Lake (SF 2389/HF2612)

Mille Lacs, Crow Wing and Aitken Counties are to establish a preservation and development board which would adopt a land use plan for areas within one mile of the lake.

Chemical Dependency Counselors Licensed

(SF2732/HF Article 2, 2050)

Chemical dependency counselors will be licensed. After July 1, 1995, no person may be licensed without passing an exam. Hospitals would not be required to employ licensed counselors, and may not require their counselors to be licensed.

Omnibus Crime Bill

A total of \$7 million of funds has been targeted for prevention and victim services. 1 Million is appropriated for Head start for crime prevention and \$475,000 for youth intervention and youth employment programs. \$200,000 is available for child safety centers where non custodial parents can visit their children. It will also serve as a drop off site for parents who are under no-contact order to exchange children for visitation. ECFE programs will receive \$500,000 to expand existing ECFE programs for home visitation, and child abuse and neglect prevention. The Minnesota Department of Health will receive \$300,000 to target "at risk" families to prevent child abuse and neglect. \$275,000 in grants is available to non-profit organizations for non-residential community based programs to provide services to "at risk" children and families. Two pilot prevention programs are to be developed for economically disadvantaged, pregnant, or victims of physical or sexual abuse. The commissioners of education and humans

services are to start one pilot program in the Metro areas, and one in the Greater Minnesota area. \$250,000 was approved to established community violence prevention council that can assist in prevention efforts. \$400,000 was approved for the prevention of Asian juvenile crime. \$500,000 has been designated for establishing mental health screening project for juveniles in detention. The commissioner of human services is to consult with the four councils on this project. \$900,000 is to be distributed by the Department of Public Safety to reduce the rates of fetal alcohol syndrome(FAS) and the number of infants exposed to other drugs during pregnancy. Two pilot programs for children 6-12 will be established for chemical dependency non-residential treatment. Grants for culturally specific chemical dependency treatment programs for minority and high risk groups, and those youth already in the juvenile court system. \$500,000 has been approved for emergency shelters and support services for battered women and children. \$300,000 is available for domestic abuse advocacy programs and \$200,000 for crime victim center grants. Several definitions of child neglect have been expanded to include parents or caretakers who knowingly permit a child to be present when a felony is committed and exposure to acts that are likely to substantially harm a child.

HealthRight Bill/Minnesota Care (HF2800)

Provides a 2% tax on health providers, beginning with hospitals on January 1, 1993 and extended to other health care providers and drug distributors beginning January 1, 1994. The benefits are to include 100% coverage of outpatient services, clinic services, physician services, emergency transportation, x-ray and laboratory services.

HIV Testing (SF2732/HF2050)

Medical professionals and workers who test positive for the HIV would have to report their condition to the Minnesota Department of Health. The department would restrict the types of procedures that a person would be able to perform. The department would keep the names confidential of the workers testing positive for HIV.

HIV Testing of Sex Offenders (HF2181)

Sex offenders could be ordered by the court to submit to HIV testing if the victim requests such action. Exposure to the offenders blood or semen through contact with the victim's broken skin is also cause to order such testing. Results would be

private and not recorded in court documents. After disclosure, the results are destroyed.

WIC Program (HF2694) \$90,000 was approved for targeting Women Infant and Children(WIC) nutrition program to women and children in homeless shelters.

Lead Abatement Program (SF2137/HF2696)

Allows the Minnesota Department of Health to license and regulate lead clean up crews and offers grants to non-profit organizations to clean up lead contamination in their communities. Also calls for the testing of all children under 6 in the cities of Minneapolis, St. Paul, and Duluth where lead concentrations are above safe levels.

Housing Trusts (HF2004,HF2940)

2 million in state bonding and 1 million in direct appropriations was approved for low and moderate income housing trust programs. Occupants can purchase homes while the land remains in the "trust" of the housing or neighborhood housing authority.

Housing and Redevelopment Programs The commissioner of the Minnesota Housing Finance Agency shall provide planning grants to eligible organizations to provide home ownership, education, and training services to homeless adults.

Urban Indian Housing Program

Provides \$225,000 each year for urban Indian housing programs.

Heritage Preservation Act (SF1821/HF1941)

Amends the Minority Heritage Preservation Act to include all children. Heritage is to be one of three criteria to be considered for out of home placements. Preference in placement is given to a relative, a family with the same racial or ethnic heritage as the child, or a family that is knowledgeable and appreciative of the child's racial

or ethnic heritage. In the case of an Indian child, the law is superseded by the Indian Child Welfare Act. Data privacy laws would be eased so that relatives of the children will be found more easily to possible placements. Creates a multidisciplinary task force to examine issues presented by alternative disposition report to the legislature.

Red Lake Workers Unemployment Compensation Law (SF1590/HF2360)

Allows for the removal of liability of state unemployment compensation. The specific self governance of the Red Lake Band of Chippewa's makes them exempt from Minnesota law. This governmental status would extend to retroactively remove liability from federal tax as well.

American Indian Child Welfare Advisory Council (HF2342/SF2186)

Changes the American Indian Task Force to the American Indian Child Welfare Advisory Council for the Department of Human Services.

Indian Desk, Chemical Dependency Program Division Establishes an American Indian Section in the Chemical Dependency Program Division and an Indian desk with authorities and supervision of staff and programs.

Omnibus Education Clarifies the prior appropriation for the Indian teacher training program. Provides for the continuation of prior appropriation to Nett Lake for unemployment compensation and insurance coverage. Transfers the authority for the appointment of the commissioner of education from the governor to the Board of Education.

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 Revenue for American Indian Schools (Tribal Contract for Grant Schools) Early Child Family Education Revenue

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. A school receiving aid under this section is eligible to receive early childhood family education revenue for parents and children who are enrolled or eligible for enrollment in a federally recognized tribe.

124.278 Minority Teacher Incentives

A district is eligible for reimbursement if the district has a minority enrollment of more than ten percent or a desegregation plan approved by the state board of education. Reimbursement shall be equal to one-half of the salary and fringe benefits for a teacher who is a member of a minority group and has not taught in a Minnesota school district during the school year before the year the teacher was hired. A person is a member of a minority group if the person is African American, American Indian, Asian Pacific American, or an American of Mexican, Puerto Rican, or Spanish origin or ancestry.

125.62 Grants to Prepare Indian Teachers

A grant program is established to assist American Indian people to become teachers and to provide education for American Indian teachers. The state board may award a joint grant to each of the following: University of Minnesota Duluth and ISD # 709 of Duluth; Bemidji State University and ISD # 38 of Red Lake; Moorhead State University and school districts within the White Earth Reservation; and Augsburg College and ISD # 1 of Minneapolis.

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, placed, 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.

144.401 Community Prevention Grants

The commissioner of health, within the limits of funding provided by the legislature, federal government, or public or private grants, shall award grants to community health boards and federally recognized tribes to plan develop, and implement community alcohol and drug use and abuse prevention programs

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.

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 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.

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.

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

257.0755 Ombudsperson for Families

The ombudsperson for families shall be appointed to operate independently but under the auspices of each of the following groups: the Indian Affairs Council, the Spanish Speaking Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. Each ombudsperson shall monitor agency compliance with laws governing child protection and placement, as they impact on children of color.

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.

626.90 Law Enforcement Authority of Mille Lacs Band of Chippewa Indians

The band has the powers of a law enforcement agency as defined in section 626.84. A law enforcement agency means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.