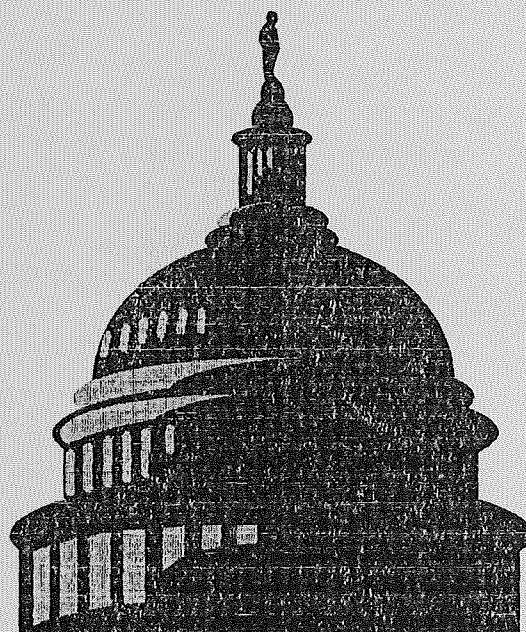


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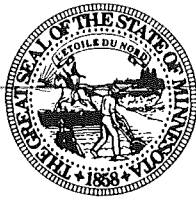
1993 Annual Report

State of Minnesota Indian Affairs Council



**500 Rice Street
St. Paul, Minnesota 55103
(612) 296-3611**

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State of Minnesota

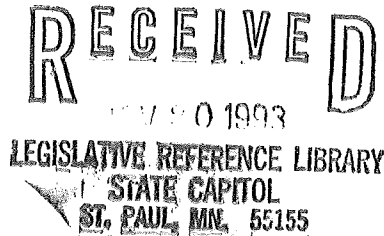
INDIAN AFFAIRS COUNCIL

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

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

November 17, 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 1993 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 findings from the Urban Indian Advisory Council on three days of public hearings that were held in Cass Lake, St. Paul, and Duluth. These recommendations and findings will be incorporated into the 1994 activities for the Indian Affairs Council.

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:


Roger Head
Executive Director

State of Minnesota
INDIAN AFFAIRS COUNCIL

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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 Council

Darrell Wadena, Chairperson

White Earth

Stanley Crooks, Shakopee-Mdewakanton

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

Lorraine Gouge, Upper Sioux

Loretta Gagnon, At Large

Paula Jean Claymore, 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

Senator Sandy Pappas, St. Paul

Governor Arne Carlson

Frank Wood, Commissioner of Corrections

Linda Powell, Commissioner of Education

Jane Brown, Commissioner of Jobs and Training

Mary Jo O'Brien, Commissioner of Health

Natalie Steffen, Commissioner of Human Services

James Solem, Commissioner of Housing Finance Agency

Rodney Sando, Commissioner of Natural Resources

James Gustafson, Commissioner of Iron Range Resources and Rehabilitation Board

David Beaulieu, Commissioner of Human Rights

INDIAN AFFAIRS COUNCIL STAFF

Roger Head, Executive Director

Jo-Anne E. Stately, Assistant to the Director

Charlotte White, Executive Assistant

Kathy Pemberton, Economic Opportunity Specialist

Earl Sargent, Indian Burial Specialist

Lucretia Klenk, Clerk Typist III

Eljean Sargent, Clerk Typist

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). interact 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*

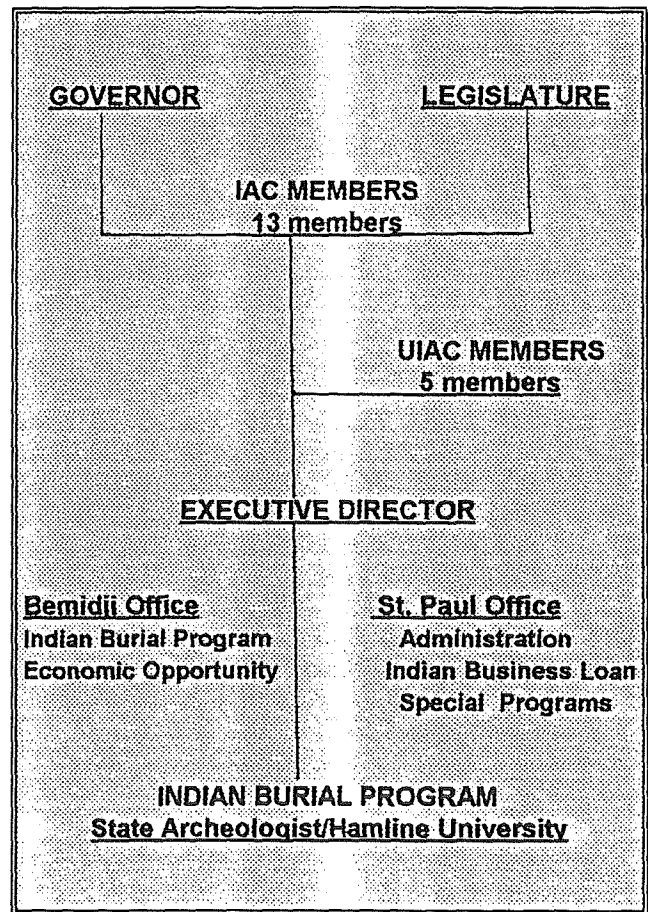
rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to Indian people;

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.

ORGANIZATIONAL CHART July 1993



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

POPULATION OF COMMUNITIES OF COLOR FOR 1990

	Minneapolis		St. Paul		Suburbs		Seven County Metro	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
African American	47,948	13.0%	20,083	7.4%	21,428	1.3%	89,459	3.9%
American Indian	12,335	3.3%	3,697	1.4%	7,308	.4%	23,340	1.0%
Asian Pacific	15,723	4.3%	19,197	7.1%	29,663	1.8%	64,583	2.8%
Chicano/Latino	7,900	2.1%	11,476	4.2%	17,340	1.1%	36,716	1.6%
Duplicated	83,906	22.8%	54,453	20.0%	75,739	4.6%	214,098	9.4%
Total								

The Urban Coalition published "Profiles of Change: Communities of Color in the Twin Cities Area" in August of 1993 and found that communities of color in the Twin Cities metropolitan area had nearly doubled. The African American, American Indian, and Chicano/Latino communities have seen and increase share of their populations residing in the suburban areas. The number of American Indians residing in the suburban area increased from 21.4% in 1960 to 31.3% in 1990.

PERCENT OF RACIAL AND ETHNIC GROUP LIVING IN SUBURBAN AREA

	1960	1970	1980	1990
African American	3.3%	6.9%	16.5%	24.0%
American Indian	21.4%	22.3%	26.8%	31.3%
Asian-Pacific	-	-	55.7%	45.9%
Chicano/Latino	-	-	42.6%	47.2%
White	48.5%	61.5%	69.9%	75.5%

CHANGES IN MINNESOTA'S POPULATION

	1900-40	1970	1990	PROJECTED 2020
African American	NA	0.9	2.2	5.9
American Indian	NA	0.6	1.1	1.8
Asian Pacific	NA	0.3	1.8	4.3
Chicano/Latino	NA	NA	1.2	3.0
White	99.2%	98.2%	93.7%	85.0%

According to Minnesota Planning's report "A Plan of Action State of Diversity" published in November of 1993, people of color represented 6.3% of the state's total population. By 2020, 25 percent of the state's population will be people of color. American Indian concentrations in non metropolitan areas constitute the largest proportion of minorities in northern Minnesota.

SOCIAL INDICATORS

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.

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%. The unemployment rate for American Indian males and females is 3 to 4 times higher than that of whites. American Indian males (22%) and females (16%) have the highest unemployment rate for all races.

HEALTH

The median age for American Indian Indians residing on reservations and trust lands was 21.4 years of age compared to a median age of 32 for the state population.

The fertility rate of American Indians is 136.2 births per thousand women compared to 66.9 births per thousand for white women.

In 1988, American Indians had the highest reported number of teen pregnancies born to mothers under 19 years of age. Teen American Indian mothers represented 49% of all American Indian pregnancies.

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.

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..

AIDS cases have struck communities of color disproportionately. American Indian cases of AIDS is 45.6 cases per 100,000, African American is 240.1 cases per 100,000, Hispanic is 159.6 cases per 100,000 and Asian/Pacific is 9.2 cases per 100,000 compared to 1.5 cases per 10,000 for whites.

HOUSING

Only 48% of American Indians own their homes compared to 80.2% for whites.

INCOME

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..

OUT of HOME PLACEMENT

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.

Abuse and neglect is the major reason for out of home placement of Indian children.

POVERTY

Poverty among whites was unchanged during the 1980's however the number of Indians living below poverty increased. 43.7% of the American Indian population was in poverty in 1989 compared to 30.9% of the U.S. American Indian population. In 1990, 12% of all children in the state lived in poverty. 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.

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%.

VIOLENCE

The percentage of violent injury and death for children and youth was 30% in 1990.

The number of juvenile arrest for violent crime per 1000 juveniles was 2.8.

The percentage of all deaths that are violent or injury related for ages 0-19 include unintentional injuries, homicides and suicides.

INDIAN AFFAIRS COUNCIL PROGRAM ACTIVITIES

Election of At Large Members

The IAC holds an at large election every four years for representation of non Minnesota based federally recognized tribal members to be seated on the council. Nominations for at large members opened in April. There were ten affidavits for candidacy for the two at large positions. The Secretary of State is responsible for the official tabulating and certification of the winners.

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 \$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 1993 the IAC received twelve loan applications. Ten loans were approved for a total of \$163,265 pending other financing. Three loans were dispersed for a total of \$36,787. Loan payments are deposited to the revolving loan fund.

Indian Economic Opportunity

The Indian Affairs Council has an interagency agreement with the Department of Jobs and Training to provide information, technical assistance and administrative support to the eleven reservation governments economic opportunity programs. These programs include:

Community Service Block Grant
Minnesota Economic Opportunity Grants
Head Start Program
Emergency Homeless Grant
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.

The economic development specialist is encouraging the development of a comprehensive community needs assessment for each reservation for prioritizing needs and planning requirements. The ultimate goal is to enhance self sufficiency and impact the level of poverty on each reservation.

Indian Reburial

The IAC is responsible for the protection of Indian burials and reburials in the state of Minnesota. The IAC works in collaboration with the state archeologist and Hamline University for the purpose of identification, protection and reburial. The IAC, under the guidance of traditional and spiritual advisors seeks to maintain the dignity and integrity of each burial and reburial.

For fiscal year ending June 30, 1993 the IAC reburied 210 individuals. These reburials took place at five location sites throughout the state. The inventory of remains at the University of Minnesota represented approximately 1120 identified individuals. Of this total, 559 have been reburied over the past two years. The IAC has received 29 new cases acquired from both private and institutional sources, and disturbances of burial locations. This figure has continued to grow steadily with development expansion, road construction, and natural erosion processes.

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.

The Urban Indian Advisory Council (UIAC) is a subcommittee of the IAC. Its purpose is to report to the IAC on 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 and representation of two of the UIAC board members as members of the Ombudsperson for Families Advisory Board. Significant time continues to be devoted 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 Indian children. The IAC, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans and Spanish Speaking Affairs Council each are responsible for the fiscal management of their representative

Ombudsperson. The position has been increased from part time to full time status as of July 1993. The continued planning and coordination for this position is shared by the four councils.

Indian Child Welfare and Heritage Preservation Act

Indian children and the protection of Indian children continue to be a special focus. This year the Heritage Act was challenged and changes were made in the law to specifically state that race is not the sole factor in determining placement. See legislative overview and new legislation for 1993.

Other Indian child welfare activities included continuing participation in the development of a Tribal State Agreement on the placement of Indian children. This task has been initiated by the Minnesota Chippewa Tribe and represents over 18 months of continual meeting and drafting of a proposed agreement that reinforces the jurisdiction of tribes and the state responsibility for the provision of services in dealing with placements of Indian children.

Child Abuse and Neglect

The IAC is a member of the Coalition in Action to Prevent Child Abuse and Neglect (CAPCAN). CAPCAN is a community member based organization representing diverse groups whose purpose is to shape public policy and ensure the stability of families and the protections of children. Last year, 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 year a special training of judges will occur in December of 1993 on "Who Will Raise Our Children" This will be a case scenario of children of color in the court system and a panel of experts providing their views on the appropriate placement options.

Indian Homeless

The IAC is an advisory member of the Minnesota Indian Housing Corporation. This organization has been meeting over the past two years to specifically address issues of the homeless, and has expanded its mission to include housing options on a broader scale. Estimates are the approximately 10% of the Indian population are homeless. The Minnesota Housing Corporation is developing a plan for a wet dry facility to serve the American Indian population in Minneapolis and Hennepin County. Other housing developments included the hiring of a housing advocate and further capacity building for housing options.

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 657 American Indian AIDS cases in the United States as of June 1993. This represented a 70% increase, or 271 new cases from last years figures. In Minnesota there are 59 HIV cases and 22 AIDS cases for American Indians. This represents 125% increase in AIDS cases from last September. The total number of HIV cases remained at the same level. 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 Indian programs is a special program function the IAC. Requests come from private foundations, individual donors and state agencies for proposal review and recommendations for funding of Indian program initiatives.

Census Information

The IAC has been continually involved with the 1990 Census and 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 program or capacity building efforts. The Census Project is sponsored by the Urban Coalition. The major components of the Census Project is policy research and technical assistance. The goal is to provide specific information tailored to the goals and concerns of people in the community that the Urban Coalition serves.

Indian Endowment Fund

The issue of non-profit organizations creating endowments and tribes establishing foundations has been a point of discussion within Indian community. With the arrival of gaming, and requests to tribes for support for urban services, various models are being discussed on how both can be supportive to each other. The IAC has assisted the St. Paul Foundation in creating a Diversity Endowment Fund. The Diversity Endowment Fund is designed to create a permanent mechanism whereby communities of color can partner with the foundation to engage in all aspects of philanthropy.

Healthy Nations Proposal

The IAC was a supporter of a proposal submitted by the Minneapolis American Indian Center to the Robert Wood Johnson Foundation for the development of a coordinated comprehensive care system to prevent the use of chemicals among Indian youth in Minneapolis and St. Paul. The Healthy Nations Steering Committee is composed of concerned American Indian people representing the tradition and culture of the community, chemical dependency, mental health, social service, education, employment and government. They are committed to the vision that we can live chemically free.

The IAC, through and interagency agreement with the Department of Human Services Chemical Dependency Division, will provide assistance to the Healthy Nations Steering Committee to further these coordination efforts. This will include the direct support of the steering committee, planning, networking and community survey.

American Indian Prevention Council

The IAC, through and interagency agreement with the Department of Human Services Chemical Dependency Division, will develop a statewide American Indian Prevention Council. The purpose of the council is to identify resources within the community that can be used for prevention strategies. The council will develop issues and trends present within the Indian community and identify activities, training needs, and methods of outreach for prevention models.

PUBLIC TESTIMONY

The UIAC held three public hearings during the month of August to gather information on the status of urban Indians and participated in the Neighborhood Revitalization Program hearing at Little Earth of United Tribes and held public hearings in Cass Lake, St. Paul and Duluth. The areas presented are in categories with accompanying recommendations for the IAC's consideration. These recommendations will become a working document for 1994 program initiatives.

Testimony was received in the following areas:

Housing

Creation of Safe and Affordable Housing
Funding for interagency collaboration
Homeless
Children leaving foster care
Wet Dry Facility in North Minneapolis

Elderly
 Handicap
 Full funding of Section 8 program

Tribal Issues
 Enrollment
 Eligibility for programs
 Options for enrollment
 Clans versus tribal
 Gender bias
 Gaming
 Long Range Planning
 Programs
 Financial information for members
 Urban Initiatives

Child Protection
 Training for Judges, Child Protection
 Workers, and Courts
 Non-compliance issues-
 Indian Child Welfare, Minnesota
 Indian Family Preservation Act and
 Heritage Act

Education
 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

Indian Social Worker Aides
 Indian Mental Health Professionals

Gang Violence
 Funding
 Prevention

Elders/Disabled
 Advocacy/Basic Needs
 Housing
 Nutrition
 Transportation
 Isolation
 Access to Services
 Access to cultural and spiritual
 activities

Civil Rights/Human Rights
 Complaints within the Indian community
 Race Relations

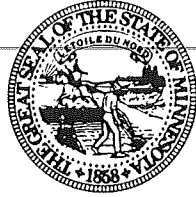
Health Issues
 HIV/AIDS
 Infant Mortality
 Teen mothers and Chemical Dependency
 Issues
 FAS/FAE

**Distribution of Anishinabe Longhouse funding
 statewide**
 Prison Programming

**Complaints against the Native American Press
 Outreach to other communities - St. Cloud
 American Indian Veterans - Entitlement**

INDIAN AFFAIRS COUNCIL BUDGET FISCAL YEAR 1994	
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Indian Affairs Council	\$ 349,000
Reburial	85,000
Board	6,000
Burial Grounds	12,000
Subtotal General Fund - Appropriation	\$ 452,000
Indian Business Loans - Special Revenues	\$ 715,456
Economic Development - Federal Dollars	\$ 61,000
Ombudsperson for Indian Families	\$ 59,177
Indian Child Welfare Law Center	\$ 15,000
Healthy Nations - Federal Dollars	\$ 20,000
Chemical Dependency Prevention Council - Federal Dollars	\$ 25,000
Grand Total	\$ 1,347,633



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 021893-01

Whereas, the Indian Affairs Council is to act as a liaison between local, state, and national units of governments in the delivery of services to the Indian population of Minnesota, and

Whereas, the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, and

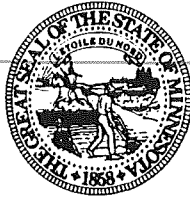
Whereas, the Healthy Nations Steering Committee, in the spirit of collaboration, is addressing the Indian community's need related to problems of alcohol and other drug abuse, and

Whereas, the goal of the Healthy Nations Steering Committee is to ensure that an ongoing community drug and alcohol program is planned, initiated and implemented, and

Whereas, the particular emphasis is to focus on early prevention and intervention among Indian youth, and

Whereas, this focus will incorporate the traditional values that promote healthy behaviors among all tribal members particularly in the urban area,

Now, Therefore Be It Resolved, that the Indian Affairs Council supports the Healthy Nations Steering Committee's application to the Robert Wood Johnson Foundation to conduct a development/feasibility study to reduce the use of alcohol and related drugs among our youth and families through a collaborative effort of existing alcohol and drug related services in the Minneapolis and St. Paul area.



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 021893-02

Whereas, the Indian Affairs Council is composed of representation from federally recognized tribes from within the State of Minnesota and out of the State of Minnesota, and

Whereas, the Indian Affairs Council also has representation from the urban Indian population in the State of Minnesota, and

Whereas, the Indian Affairs Council is to clarify the nature of tribal governments to state agencies, and

Whereas, federal policies affect the nature of state policies, and

Whereas, the Indian Affairs Council is to provide information to assist Indian citizens to assume all rights, privileges, and duties of citizenship, and to cooperate with local state, and national private agencies providing services to Indian people, and

Whereas, freedom to practice one's religion is to be a right of all citizens of the United States, and

Whereas, the passage of the Indian Religious Freedom Act in 1988 was to provide this same freedom to practice religion for Indian people, and

Whereas, this act has been challenged and weakened in various court decisions affecting the protection of sacred sights, and religious practices of Indian people,

Now, Therefore Be It Resolved, that the Indian Affairs Council supports the proposed amendments to the Indian Religious Freedom Act and encourages all the citizens of Minnesota to uphold the religious rights of Indians in the State of Minnesota and throughout the United States of America.



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 021893-03

Whereas, the Indian Affairs Council is to act as a liaison between local, state, and national units of governments in the delivery of services to the Indian population of Minnesota, and

Whereas, the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, and

Whereas, the Indian Affairs Council is to make recommendation 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 effect on the statewide community, and

Whereas, the issue of Indian child welfare remains a critical focus of the Indian Affairs Council, and

Whereas, the number of Indian families that are being subjected to removal of the family and Indian communities continues at a disproportionate rate than the general population, and

Whereas, Indian child welfare cases are governed by a complicated array of interrelated federal, state, and tribal law which apply only to Indian child welfare proceedings, and

Whereas, continued documentation of noncompliance by counties indicated that Indian families are not informed of their rights under the Indian Child Welfare Act, and

Whereas, early intervention and prevention efforts assist in keeping Indian families together,

Therefore Be It Resolved That, the Indian Affairs Council endorses the efforts of the Minnesota American Indian Bar Association in the development of and Indian Child Welfare Law Center to ensure that Indian parents, children and their tribes are provided with culturally sensitive, high quality representation in Indian Child Welfare proceedings primarily for those tribal members who reside or are receiving services in the County of Hennepin.



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Bemidji, Minnesota 56601
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RESOLUTION 082593-01

Whereas, the Indian Affairs Council is to act as a liaison between local, state, and national units of governments in the delivery of services to the Indian population of Minnesota, and

Whereas, the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, and

Whereas, the Indian Affairs Council is to make recommendation 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 effect on the statewide community, and

Whereas, the Indian Affairs Council has supported the continual development of education initiatives from within the Department of Education as it pertains to the Indian population in the state, and

Whereas, the Indian Affairs Council has provided support for foundation funding to train Indian social work aides throughout the state, and

Whereas, this program offers continual training and updated information for those Indian social work aides, and

Whereas, the opportunities afforded to the Indian social work aides, are experienced by those Indian parents and children in those affected school districts,

Therefore Be It Resolved That the Indian Affairs Council strongly encourages that the Department of Education respond in a positive fashion and appropriate \$20,000 to fund the Indian Social Work Aides Training Program.



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127 University Avenue
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Phone: (612) 296-3611

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

RESOLUTION 082593-02

Whereas, the Indian Affairs Council is to act as a liaison between local, state, and national units of governments in the delivery of services to the Indian population of Minnesota, and

Whereas, the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, and

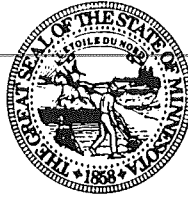
Whereas, the Indian Affairs Council is to make recommendations to members of the legislature on desired and needed legislation to benefit the statewide Indian community and communicate to the members of the legislature when legislation has or will have an effect on the statewide community, and

Whereas, the Indian Affairs Council has supported the continual development of educational initiatives from within the Department of Education as it pertains to the Indian population in the state, and

Whereas, the Indian Education Committee has been directed by the State Board of Education to assist the Department of Education in developing a set of learner outcomes on American Indian heritage and culture specifically for American Indian curriculum in public schools and

Whereas, this set of learner outcomes is to be considered part of the uniform learning standards for statewide graduation rule

Now, Therefore Be It Resolved that the Indian Affairs Council supports the incorporation of the these learner outcomes developed by the Indian Education Committee and recommends that they be incorporated as part of the standard graduation rule.



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RESOLUTION 082593-03

Whereas, the Indian Affairs Council is to act as a liaison between local, state, and national units of governments in the delivery of services to the Indian population of Minnesota, and

Whereas, the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, and

Whereas, the Indian Affairs Council is to 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 effect on the statewide community, and

Whereas, tribal and state government interaction continues to be a major political concern for both parties, and

Whereas, the impact of these relationships relate to the unique apolitical status of Indian tribal entities, and

Whereas, the complete nature of this unique relationship is not understood by such policy makers and members of the general public, and

Whereas, recognition of this unique relationship is ongoing educational process, and

Whereas, providing such information on this unique relationship is as basic a principle as teaching the United States Constitution and the duties and powers of government,

Now, Therefore Be It Resolved That the Indian Affairs Council supports proposed legislation that will direct the State Board of Education to adopt rules that incorporate Indian language, history and culture into the required curriculum of teacher preparation programs leading to teacher licensure, and

Let It Be Further Resolved That, the Indian Affairs Council supports the establishment of professional education programs that include the teachings of sovereign tribal government and the impact of past and present treaties, agreements and congressional acts on Indians.



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RESOLUTION 082593-04

Whereas, the Indian Affairs Council is composed of representation from federally recognized tribes from within the State of Minnesota and out of the State of Minnesota, and

Whereas, the Indian Affairs Council also has representation from the urban Indian population in the State of Minnesota, and

Whereas, and the Indian Affairs Council is to interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people,

Whereas, the Indian Affairs Council to provide information for and direction to a program to assist Indian citizens to assume all rights privileges and duties of citizenship, and to coordinate and cooperate with local state and national private agencies providing services to the Indian people, and

Whereas, the Indian Affairs Council in providing assistance in the protection of those rights shall assist in addressing issues of oppression, racism and discrimination as it pertains to Indian people throughout the state, and

Whereas, the Indian Affairs Council has received requests for assistance to specifically address the prejudicial journalistic attacks of individuals and organizations serving the Indian community by the Native American Press,

Now, Therefore Be It Resolved that the Indian Affairs Council will assist those organizations in a formalized complaint to the News Council on the Native American Press and its publisher William J. Lawrence.

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.

13.76 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 Subdivision 6 Contracts with Indian Tribes and Bands 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, 84.42 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 97A.155, 97A.165 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.

97A.165 Source of Payments for Indian Agreement

Money to make appropriations to the Leech Lake Band, the 1854 agreement and the White Earth Band special license account under sections 94.16, 97A.151, subdivision 4, and 97A.157 subdivision 4 is annually appropriated for that purpose in a ration of 20% from the game and fish fund and 80% from the general fund

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 conservation 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.

***Repealed 1993**

***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. If the amount of the grant is less than \$500,000 the reason for the reduction shall be given to the applicant. The portion of and economic recovery grants that exceeds \$100,000 must be repaid to the state when it is repaid to the local community or recognized Indian tribal government by the person or entity to which it was loaned by the local community or tribal governments. Money repaid to the state must be credited to the general fund.

***Amended 1993**

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.

***124.17 Special Definition of a Pupil Unit in Onamia**

Notwithstanding Minnesota Statutes, section 124.17, for fiscal year 1994 only, a resident pupil of independent school district No. 480, Onamia, who enrolls in a non public school located on a reservation shall be counted a one-half of a pupil unite in average daily membership.

***New 1993 Legislation**

***124.48 Subdivision 3 Indian Scholarship Committee**

Members are appointed by the state board with the assistance of the **Indian Affairs Council**. The state board shall determine the membership terms and duration of the committee, *which expires no later than June 30, 1997*. The committee shall provide advice to the state board in awarding scholarships to eligible American Indian students and in administering the state board's duties regarding awarding of American Indian post secondary preparation grants to school districts.

***Amended 1993**

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.

124.278 Minority Teacher Incentives

A district is eligible for reimbursement if the district has a minority enrollment of more than ten percent ore 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 is the person is African American, American Indian, Asian Pacific American, or an American of Mexican, Puerto Rican, or Spanish origin or ancestry.

124.86 State 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.

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

***Plan for State Skills Exam**

The board of teaching shall develop a plan to assure that questions contained in the skills develop a plan to assure that questions contained in the skills examination in reading, writing and mathematics, which persons must successfully complete before being admitted to an approved teacher preparation program Minnesota Statutes, section 125.05, subdivision 1a, clause (b) are culturally sensitive. The board shall include in the plan how it proposes

to assure that the examination questions are culturally sensitive, evaluate interpersonal skills, and more comprehensively assess general knowledge and skills. The board shall seek the assistance of organizations representing diverse cultures in developing the plan. The board shall submit its plan to the education committees of the legislature by February 15, 1994.

Provisional Licenses

Persons who have successfully completed an approved teacher preparation program and obtained a provisional license to teach, but have not completed the skills examination required under Minnesota Statutes, section 125.05, subdivision 1a, clause (b), may continue to teach under subdivision 1 is implemented.

***New Legislation**

***125.623 Teachers of Color**

Provides grants to school districts for teachers of color. For purposes of this section, "people of color" means permanent United States residents who are African American, American Indian or Alaskan Native, Asian or Pacific Islander, or Hispanic. The commissioner of education in consultation with the multicultural advisory committee established in section 126.81 shall award grants for professional development programs to recruit and educate people of color in the field of education, including early childhood and parent education. Grant applicants must be a school district with a growing minority population working in collaboration with a state institution of higher education with an approved teacher licensure program or an approved early childhood or parent education licensure program.

***New Legislation**

***126.81 State Multicultural Education Advisory Committee**

The commissioner shall appoint a state multicultural education advisory committee to advise the department and the state board on multicultural education. The Multicultural Education Advisory Council and the department shall develop criteria for awarding grants to develop cross cultural understanding. The grants shall be used to enhance cross cultural understanding among K-12 students and staff. The communities representing the African American, American Indian, Asian-Pacific and Hispanic groups will receive grants to work with school districts to present or develop programs for students or staff.

***New Legislation**

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.

***136A.1369 Grants for Nursing Students Who are Person of Color**

A nursing grant program is established under the authority of the higher education coordinating board to provide grants to students who are person of color who are entering or enrolled in an educational program that leads to licensure as a registered nurse. Grants must be \$2,500 per year. Each school, college, or program of nursing shall agree that the money awarded through this grant program must not be used to replace any other grant or scholarship money for which the student would be otherwise eligible.

New Legislation

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.

***Repealed 1993**

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.

***144.4165 Tobacco Products Prohibited in Public Schools**

No person shall at any time smoke *chew*, or otherwise ingest tobacco or a tobacco product in a public school, as defined in section 210.05, subdivision 2. *Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indiana spiritual or cultural ceremony. For purposes of this section, and Indian is a person who is member of an Indian tribe as defined in section 257. 351, subdivision 9.*

***Amended 1993**

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.

***148C11 Subdivision 3 Federally Recognized Tribes and Private Nonprofit Agencies with a Minority Focus.**

(a) The licensing of chemical dependency counselors who are employed by federally recognized tribes shall be voluntary.

(b) The commissioner shall develop special licensing criteria for issuance of a license to chemical dependency counselors who:

- 1) are members of ethnic minority groups; and
- 2) are employed by private, nonprofit agencies, including agencies operated by private, nonprofit hospitals, whose primary agency service focus addresses ethnic minority populations. These licensing criteria may differ from the licensing criteria specified in section 148C.04. To develop these criteria the commissioner shall establish a committee comprised of *but not limited to* representatives from the council on hearing impaired, the council on affairs of Spanish Speaking people, the council on Asian Pacific Minnesotans, the council on black Minnesotans, and the **Indian Affairs Council**. Minnesota Statutes 1192, section 148.11, is amended by adding a subdivision to read: The licensing of city, county, and state agency chemical dependency counselors shall be voluntary. city, county, and state agencies employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.

***Amended 1993**

152.02 Subdivision 2(5) Peyote Use by American Indian Church and Members

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

***224 Article 9 Section 46 Desegregation Rule**

The state board of education shall convene several roundtable discussions meetings to address issues regarding the board's proposed changes to the desegregation and inclusive education rules. Participants in the discussion meetings shall include, but are not limited to the, representatives of the three cities of the first class, NAACP, Urban League, Urban Coalition, American Indian Affairs Council, Asian-Pacific Council, Spanish Speaking Affairs

Council, Centro Cultural Chicano, Chicanos y Unidos En Servicio, Division of Indian Works, Lao Family Community of Minnesota, Women's Association of Hmong and Lao, Hmong American Partnership, Council on Black Minnesotans, state board's desegregation task forces, parents, students, and representatives of suburban districts.

***New Legislation**

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.

***245.98 Contribution by Tribal Gaming**

The commissioner of human services is authorized to enter into an agreement with the governing body of any Indian tribe located within the boundaries of the state of Minnesota that conducts either class II or class III gambling, as defined in section 4 of the Indian Gaming Regulatory Act, Public Law Number 100-497, and future amendments to it, for the purpose of obtaining funding for compulsive gambling programs from the Indian tribe. Prior to entering into any agreement with an Indian tribe under this section, the commissioner shall consult with and obtain the approval of the governor or the governor's designated representatives authorized to negotiate a tribal-state compact regulating the conduct of class III gambling on Indian lands of the tribe requesting negotiations. Contributions collected under this subdivision are appropriated to the commissioner of human services for the

compulsive gambling treatment program under this section.

***Amended 1993**

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. *The council expires June 30, 1997.*

***Amended 1993**

***254A.086 Culturally Targeted Detoxification**

The commissioner of human services shall provide technical assistance to enable development of a special program designed to provide culturally targeted detoxification services. The program shall be designed with a community outreach component and shall provide services to clients in a safe environment and in a culturally specific manner.

***New Legislation**

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

257.3573 Subdivision 2 Revenue Enhancement

The commissioner shall submit claims for federal reimbursement earned through the activities and services supported through Indian child welfare grants. The commissioner may set aside a portion

of the federal funds earned under this subdivision to establish and support a new Indian child welfare position in the department of human services to provide program development. The commissioner shall use any federal revenue not set aside to expand services under section 257.3571. The federal revenue earned under this subdivision is available for these purposes until the funds are expended.

***New Legislation**

***257.0651 Standards for Changing Out of Home Placements**

Sections 257.03 to 257.075 must be construed consistently with the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

This allows for visitation of parent or parents or other relatives as defined in section 260.181, if such visitation is consistent with the best interests of the child. In protecting the heritage of background and ensuring that the child's best interest are met by giving due, not sole, consideration of the child's race or ethnic heritage. If a child has been placed in a residential facility pursuant to a court order under section 260.191, the social service agency responsible for the residential facility placement for the child may not change the child's placement unless the agency specifically documents that the current placement is unsuitable or another placement is in the best interests of the child. This subdivision does not apply if the new placement is in an adoptive home or other permanent placement. The commissioner shall adopt rules establishing criteria for removal of children from their homes and return child to their homes. Special efforts shall take place to recruit families of the same racial or ethnic heritage. Special efforts are satisfied if the responsible child placing agency has made appropriate efforts for six months following the child's placement in a residential facility and the court approves the agency's efforts pursuant to section 260.191, subdivision 3a. The commissioner of human services shall establish standards for relative foster care placement, conducting relatives searches, and recruiting foster and adoptive families of the same racial or ethnic heritage as the child.

When termination of parental rights order regarding a child becomes final, the agency with guardianship of the child shall give the notice provided in this section to any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults

who have maintained a relationship or received visitation with the child as identified in the agency case plan for the child or demonstrated an interest in the child. This notice must not be provided to a parent whose parental rights to the child have been terminated under section 260.221, subdivision 1. The notice must state that a permanent home is sought for the child and that individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The agency with guardianship of the child shall review the child's custodial history and relationship with siblings, relatives, foster parents, and any other person who may significantly affect the child in determining an appropriate permanent placement.

Recruitment of an adoptive family from among the child's relatives shall include special efforts and contracting and working with community based organizations.

The commissioner of human services shall prepare a report for the legislature which includes a comprehensive plan to ensure compliance by county social services departments with the foster care and adoption placement statutes and rules. The report must include an analysis of possible financial incentives and sanctions for county compliance and also address the feasibility of providing timely hearings for families affected by the foster care and adoption rules and statutes in the administrative process. The report is due by February 15, 1994.

***Amended and New Legislation 1993**

***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 the all laws governing child protection and placement, as they impact on children of color. Money appropriated for each office of ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, clause (15), is under the control of the office of ombudsperson for which it is appropriated.

***Amended 1993**

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. In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, section 1901 to 1923 , control to the extent the provisions of this section are inconsistent with those laws.

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.

*** 290.01 Subdivision 19c TAXES**

Additions to Federal Tax Incomes

For individuals, estates, and trusts, there shall be added to federal taxable income:

1. (i) interest income on obligations of any state other than Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state other than Minnesota exempt from federal income taxes under the Internal Revenue Code or any other federal; statute, and

(ii) exempt interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt interest dividends

derived from interest income on governmental subdivision, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt interest dividends from such Minnesota sources paid to all shareholders represents 95 of more of the exempt interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(h) of the Internal Revenue Code, making the payment; and

(iii) for the purposes of item (i) and (ii) , interest on obligations of an Indian tribal government described section 7871(c) of the Internal Revenue Code shall be treated as interest income on obligations of the state in which the tribe is located.

Corporations: Additions to Federal Taxable Income
For corporations, there shall be added to federal taxable income:

1 the amount of any deduction taken for federal income tax purposes for income, excise, or franchise taxes based on net income or related minimum taxes paid by the corporation to Minnesota, another state, a political subdivision of another state, the District of Columbia, or any foreign county or possession of the United States;

***Amended 1993**

***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. A person who intentionally, willfully, and knowingly destroys, mutilates, injures, *disturbs*, or removes human skeletal remains or human *burial grounds*, is guilty of a felony. A *person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.*

***Amended 1993**

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 defense to establish procedures for public defense 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.

Section 21 Section 611.216 Subdivision 1a. Indian Child Welfare Defense Corporation Grants

The board of public defense shall establish procedures for accepting applications for funding from an Indian child welfare defense corporation located in the American Indian community. The board must consult with the **Indian Affairs Council** before making a grant under this subdivision. An "Indian child welfare defense corporation" refers to an American Indian non profit law corporation having an American Indian majority on its board of directors, specializing primarily in providing culturally appropriate legal services to indigent clients or tribal representatives involved in a case governed by the Indian Child Welfare Act, United States Code, title 25 section 190 et. seq., or the Minnesota Indian family preservation act, sections 257.35 to 257.3579. An Indian child welfare defense corporation is a "public defense corporation" for the purpose of sections 611.14 to 611.271.

***New Legislation**

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 if the state.

APPROPRIATIONS

INDIAN AFFAIRS COUNCIL

Indian Affairs Council

\$473,000 in the first year and \$457,000 in the second year is appropriated to the council.

Of the total appropriation, \$6,000 for the first year and \$5,000 for the second year is appropriated for transfer to the Ombudsperson for families.

Of the total appropriation, \$15,000 in the first year is appropriated for the planning and development of culturally appropriate legal services to indigent clients or tribal representatives who reside in Hennepin county and are involved in Indian Child Welfare cases, Minnesota Indian family preservation act cases. These dollars are available until expended.

INDIAN CHILD WELFARE

Ombudsperson for Indian Families

\$20,000 for the Ombudsperson for 1994 and any balance is available until June 30, 1995.

Indian Child Welfare Corporation

\$50,000 for 1994 and such funds are available until June 30, 1995. The funds must be matched dollar for dollar by non state funds. This is a one time appropriation.

ENVIRONMENT

Leech Lake Comprehensive Plan for the Upper Mississippi

\$17,000 for 1994 and \$17,000 for 1995 for a comprehensive plan for the upper Mississippi.

EDUCATION INITIATIVES

Nett Lake School

\$20,000 in 1994 and \$20,000 in 1995 for grants for the payment of obligations of the school district for insurance premiums.

\$30,000 in 1994 and \$30,000 in 1995 are for grants to Nett Lake school district for the payment of obligations for unemployment compensation.

Indian Teacher Preparation Grants

\$190,000 in 1994 and \$190,000 in 1995 for joint grants to assist Indian people to become teachers.

- \$70,000 University of Minnesota Duluth and Duluth school district

- \$40,000 Bemidji State University and Red Lake School district

- \$40,000 for Moorhead State University and a school district within the White Earth Reservation

- \$40,000 for Augsburg College and the Minneapolis school district

Tribal Contract Schools

For tribal contract school aid \$374,000 is appropriated in 1994 and \$457,000 in 1995.

Early Childhood Programs at Tribal Schools

\$68,000 is appropriated in 1994 and \$68,000 in 1995 for tribal contract schools.

American Indian Education

For certain education programs in school districts, \$175,000 in 1994 and \$175,000 in 1995 is appropriated. These amounts are to only benefit American Indian pupils and to meet established state educational standards or statewide requirements.

American Indian Scholarships

\$1,600,000 is appropriated in 1994 and \$1,600,000 in 1995 for American Indian Scholarships.

American Indian Post Secondary Preparation

\$857,000 in 1994 and \$857,000 in 1995 is appropriated for American Indian post secondary preparation grant. Any balance in the first years is available in the second year.

American Indian Language and Culture

\$591,000 is appropriated in 1994 and \$591,000 in 1995 for American Indian Language and culture. Any balance in the first year is available in the second year.

Teachers of Color Program

\$300,000 in 1994 and \$300,000 in 1995 are for school districts for the teachers of color program.

Minority Teacher Incentives

\$600,000 is appropriated for minority teacher incentives in 1994. Any balance may be carried forward and is available until June 1995.

Fellowship Grants

\$100,000 in 1994 and \$100,000 in 1995 is appropriated for fellowship grants to highly qualified minorities seeking alternative preparation for licensure.

Cross Cultural Initiatives

\$125,000 is for groups of grants, each group in the total amount of \$31,250. Any balance from the 1994 appropriation is available for fiscal year 1995. The grants shall be awarded by the department of education to community groups representing persons of the following racial ethnic heritages:

1. African American
2. American Indian
3. Asian-Pacific
4. Hispanic

HOUSING

Urban Indian Housing

\$187,000 in the first year and \$187,000 in the second year is appropriated for the urban Indian housing program.

Tribal Housing

\$1,683,000 in the first year and \$1,683,000 in the second year is appropriated for the tribal housing program.

TOURISM

Indian Tourism

\$30,000 for the first year and \$30,000 for the second year is appropriated from the joint venture program for the Minnesota Indian tourism association. This appropriation must be matched by non state sources on a one to one basis.

TREATY AGREEMENTS

1837 Treaty

\$80,000 for 1994 and \$50,000 in 1995 for costs related to the 1837 Treaty of the Chippewa

Payment of Legal Costs relating to the 1837 Treaty

\$120,000 is appropriated for the fiscal year ending 1993

Mille Lacs Treaty Litigation

\$500,000 for 1994 is available for expenditure with the approval of the governor after consultation with the legislative advisory committee to litigate the Mille Lacs Treaty. Any unencumbered balance remaining in the first years does not cancel, but is available in 1995.