

1994 Annual Report

State of Minnesota Indian Affairs Council



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State of Minnesota
INDIAN AFFAIRS COUNCIL

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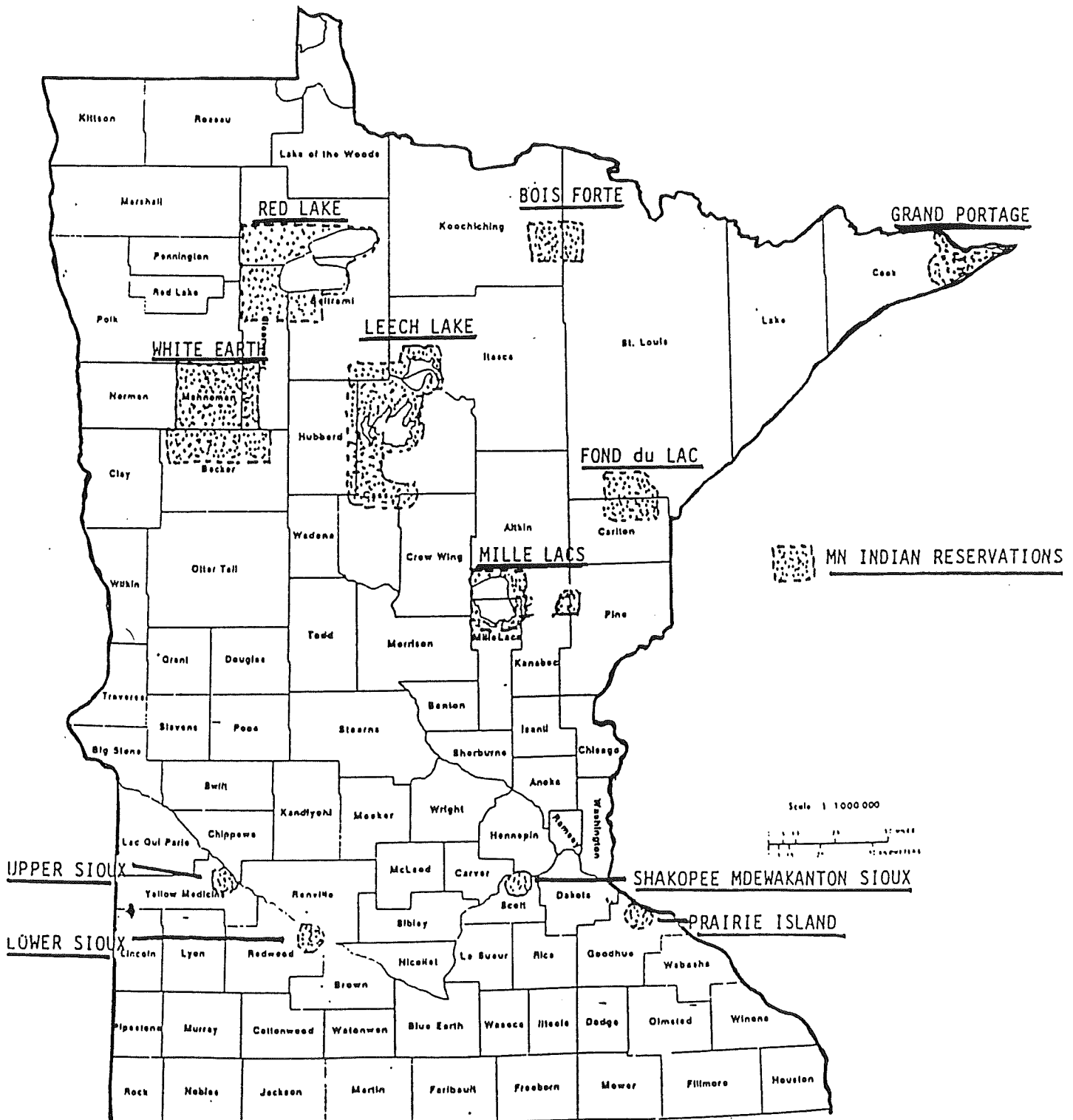
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MAP OF MINNESOTA RESERVATIONS



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

Alfred R. Pemberton, (Leech Lake), Chair
Stanley Crooks, (Shakopee-Mdew), Vice-Chair
Robert Peacock, (Fond du Lac), Secretary
Paula J. Claymore, (At-large) Treasurer
Minneapolis

Council Members

Gary Donald, Bois Forte
Norman Dechampe, Grand Portage
Jody Goodthunder, Lower Sioux
Marge Anderson, Mille Lacs
Curtis Campbell, Sr., Prairie Island
Bobby Whitefeather, Red Lake
Elitta Gouge, Upper Sioux
Darrell Wadena, White Earth
Loretta Gagnon, At-Large
Paula J. Claymore, At-Large

URBAN INDIAN ADVISORY COUNCIL

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

EX-OFFICIO MEMBERS

Governor Arne Carlson
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
Frank Wood, Commissioner of Corrections
Linda Powell, Commissioner of Education
R. Jane Brown, Commissioner of Jobs and Training
Mary Jo O'Brien, Commissioner of Health
Maria Gomez, Commissioner of Human Services
Katherine Hadley, Commissioner of the Housing Finance Agency
Rodney Sando, Commissioner of Natural Resources
Jim Gustafson, Commissioner of Iron Range Resources and Rehabilitation Board
David Beaulieu, Commissioner of Human Rights

INDIAN AFFAIRS COUNCIL STAFF:

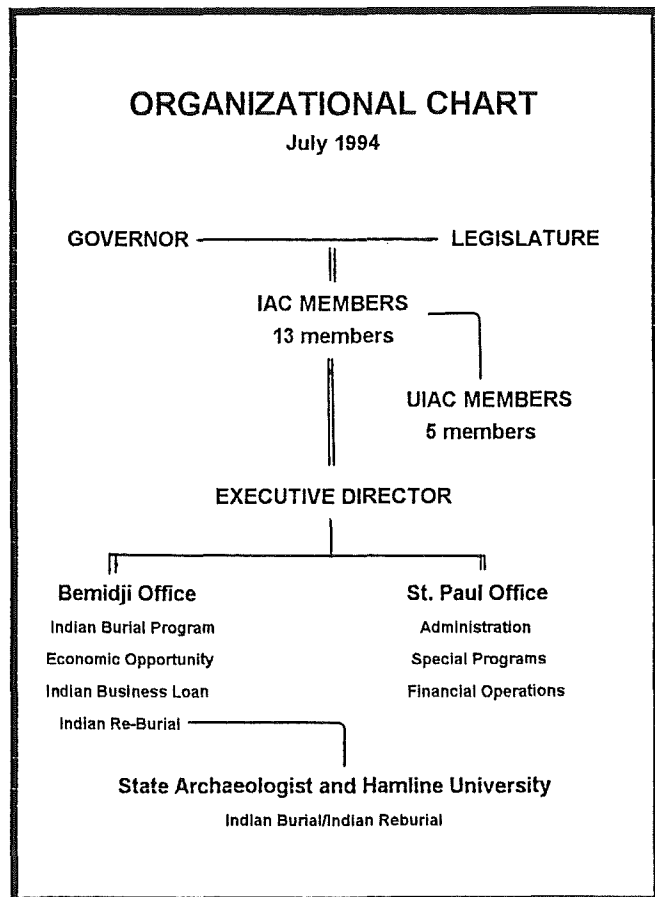
Joseph Day, Executive Director
Staff Assistant - Vacant
Charlotte White, Executive Assistant
Lucretia Klenk, Clerk Typist 3
Theresa Jones, Loan Officer
Cultural Specialist - Vacant
Clerk Typist 1 - Vacant
Katherine Pemberton, Econ Opp Spec 3

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, though 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; and
- 17). Review data provided by the Commissioner of human services under section 257.072, subd 5, and present recommendations on the out of home placement of Indian children to the commissioner and the legislature by November 1 of each year.



AGENCY DESCRIPTION:

The Mn Indian Affairs Council (MIAC), as the official liaison between the state and tribal governments, clarifies the nature of tribal governments and the relationship of tribal governments to the Indian people in MN; is the continuing liaison for all governmental bodies and duly elected tribal governments and officials; advisor to the State on urban Indian issues and concerns; responsible for investigation, authentication and protection of Indian burial sites; and in cooperation with the state Archaeologist's office, is responsible for the protection and reburial of Indian remains.

The MIAC (Council) makes recommendations relating to legislation that will benefit the statewide Indian population; and is often called upon to act as liaison between state, local and national units of government in the delivery of services to the Indian population of Minnesota and also enters into Inter-agency agreements with other state agencies to develop activities or programs that will benefit the Indian community in areas not now being addressed..

The Council is authorized to employ an Executive Director and additional staff necessary to carry out its duties as mandated in M.S. 3.922: there are five (5) staff positions allocated to the Bemidji office and three (3) staff positions in the St. Paul office.

The Bemidji office is designated as the Headquarters of the Indian Affairs Council due primarily to its central location between several northern reservations. The Bemidji office administers the agency's direct program responsibilities which include the **1) Indian Business Loan Program; 2) Indian Burial/cemeteries Authentication Program; 3) and the Indian Re-burial Program.** The Council has an Interagency Agreement with the Department of Jobs and Training/Economic Opportunity Office to provide information, technical assistance and administrative support to local grantees including Indian reservations, to strengthen their statewide community action programs.

The St. Paul office is responsible for services to the Twin Cities and Duluth metro Indian communities and the southern Minnesota Sioux Tribes. The St. Paul office also provides much of the Council's legislative planning, research, financial and administrative functions. The administrative activities involve close contact with the Departments of Finance, Employee Relations, Administration and the Attorney General's office.

Staff of the Council also assists state agencies with the design and implementation of special programs targeted for American Indians. Historically, a great many of these programs are administered by the Departments of Human Services, Education, Corrections and MN Housing Finance Agency: MIAC input clarifies the nature and scope of tribal governments and defines the needs of reservation and urban residents of the state, and is oftentimes the deciding factor on funding decisions.

It should be noted here, that Minnesota is considered one of the most progressive states in the nation as far as initiating programs that have far reaching effects, not only on American Indians in other states, but the nation as a whole.

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; this data shows 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.

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

The Bureau of Indian Affairs Labor Force report of 1993, shows a decided increase in all reservation populations.

AMERICAN INDIAN POPULATION ON RESERVATIONS: 1980 - 1990 - 1993

<u>Reservations</u>	<u>1980*</u>	<u>1990*</u>	<u>1993 **</u>
Bois Forte	392	346	1,926
Fond du Lac	514	1,106	2,922
Grand Portage	187	207	330
Leech Lake	2,759	3,390	5,771
Lower Sioux	65	225	266
Mille Lacs	293	428	1,151
Prairie Island	80	56	176
Red Lake	2,823	3,602	5,087
Shakopee-Mdewak	77	153	230
Upper Sioux	51	43	169
Vermilion Lake	103	87	not listed
White Earth	<u>2,554</u>	<u>2,759</u>	<u>4,395</u>
Total	9,898	12,402	22,193

*Source: U.S. Census

**Source: Bureau of Indian Affairs Labor Force Report

COUNTIES WITH AMERICAN INDIAN POPULATION of 1,000 or More - 1990 Census

	<u>1980</u>	<u>1990</u>
Hennepin	10,479	14,912
Beltrami	3,917	5,641
Ramsey	2,993	4,509
St. Louis	2,815	3,682
Cass	1,895	2,373
Anoka	1,112	1,865
Carlton	818	1,297
Mahnomen	<u>1,003</u>	<u>1,193</u>
Total	25,032	35,472

"Profiles of Change: Communities of Color in the Twin Cities area" report of 1993 by the Urban Coalition, found that communities of color have nearly doubled in the TWIN CITIES Metropolitan area from 1980 to 1990, with an increasing share of this population residing in suburban communities. In addition, Minnesota State Planning report "A Plan of Action State of Diversity" published in 1993 indicate that people of color represent 6.3% of the state's total population. It is estimated that by the year 2020, 25 percent (25%) of the state's population will be people of color. American Indian concentrations in non-metropolitan areas constitute the largest proportion of minorities in northern Minnesota.

The demographic overview of American Indians in Minnesota affects the development of policy for Indians in the state. Policy is also affected by the unique political relationships that govern the lives of American Indians. No other group in the United States is governed and regulated by over 10,000 treaties, agreements and court decisions.

POLICY ISSUES:

The Mn Indian Affairs Council (MIAC): makes recommendations on legislation that will benefit the statewide Indian population; is the official liaison between the state and tribal governments; clarifying for the Legislature, the nature of tribal governments and the relationship of tribal governments to the Indian people in MN; is the continuing liaison for all governmental bodies and duly elected tribal governments and state officials; advisor to the State on urban Indian issues and concerns; responsible for investigation, authentication and protection of Indian burial sites; and in cooperation with the state Archaeologist's office, is responsible for the protection and reburial of Indian remains. The Indian Affairs Council also is often called upon to act as liaison between state, local and national units of government in the delivery of services to the Indian population of Minnesota.

Throughout treaties, agreements and court decisions, tribes have retained their authority to regulate reservation activities and the conduct of their tribal members. Indian tribes have the power to make their own laws governing internal matters and to enforce them in their own courts. These powers are the same general powers that the federal and state government use to regulate their internal affairs.

This government to government relationship is recognized by the state in entering into agreements with tribal governments and therefore becomes the major policy driver for policy formation and development of legislative initiatives specifically identified for Indian tribes and their members. Minnesota Statute Section 16B.06, subdivision 6 provides the following:

"Notwithstanding any other law, the state may not require an Indian tribe or band to deny their sovereignty as a requirement or condition of a contract with the state or an agency of the state."

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

The development of state policy and Indian affairs provides a unique relationship in areas which are dominated by federal regulations. The "trust" responsibility between the United States government and Indian tribes was created through treaties and agreements in which land was surrendered in exchange for the permanent protection of remaining lands (reservations) and its tribal members.

Congress has unlimited authority to regulate Indian affairs and in so doing, has passed thousands of laws which provide Indians with distinct and preferential treatment. This preferential treatment is based on the unique political status of Indians as provided for in the Constitution of the United States under the Commerce and Treaty clauses. Only Congress has the authority to formulate the federal government's Indian policies and programs to various federal agencies; the protection of the laws and rights of Indian people is a primary objective of the Minnesota Indian Affairs Council.

SOCIAL INDICATORS

The social indicators of the American Indian population in Minnesota continue to indicate a downward spiral for the past decade. Studies published in recent years show that American Indians fared the worse of all communities of color in the state, primarily in the areas of income, employment, and education.

The misconceptions held by individuals, organizations and the general public, indicate that since the introduction of Casinos unto reservations in the state; all Indians are getting alot of money every month and therefore do not need any further programs: this information is not based on fact; a study of the very small reservations (enrollments of not more than 100) indicate how they are able to provide monthly dividends to their enrolled members, while most reservations, with thousands of enrolled members, can only use the profits generated by casinos, to install or improve many of the services that the general public takes for granted.

Health

1990 studies indicate that American Indians had the highest reported number of teen pregnancies born to mothers under 19 years of age. The infant mortality rate for American Indians was 12% compared to the overall population rate of 7.3%. The average life expectancy 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. 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 in Minnesota have less than half the income of white households.

Families

American Indian mothers in their teens, represented 49% of all American Indian pregnancies. In the Metropolitan area, less than one in five American Indian children live in two parent families. American Indian children represent 12-15% of all out of home placements. 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.

Violence

According to 1990 statistics: 1) the percentage of violent injury and death for children and youth was 30%; and 2) from ages 0-19, the percentage of all deaths that are violent or injury related include unintentional injuries, homicides and suicides. American Indians between the ages of 1-4 are four (4X) times as likely to die of accidents than whites; between the ages of 5-14, they are 2.3 times as likely to die of accidents than whites; and between the ages of 15-24 are 8 times more likely to die from homicide than whites. In 1990, American Indians died at the rate of 46 per 100,000 residents as compared to 1.7 per 100,000 for whites.

Crime

Studies published within the past year; reveal that American Indians in Minnesota are 10 times more likely than white Minnesotans to be in a state prison: and approximately 99% of all offenses committed by Indian offenders were done while under the influence of alcohol and/or drugs.

Employment

The 1990 state unemployment rate was 4.8% compared to the United States unemployment rate of 5.5%. 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 unemployment for communities of color in 1990 was over 15%. American Indian males(22%) and females (16%) have the highest unemployment rate for all races. 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 1989/90, the poverty line increased sharply. American Indians living in poverty increased to 43%, African Americans increased to 36.8%, Asian/Pacific increased to 31.7% and Hispanics increased to 25.6%.

The State of Minnesota employs more than 39,000 people. Approximately 5% (1,801) represent African Americans, American Indians, Asian Pacific Islanders, and the Hispanic populations. Hiring by legislators from the communities of color for administrative and manager positions is at 2%.

As indicated above; even with the introduction of Casinos on reservations in the state, the unemployment rate for Indians residing on reservations remains high.

Education

Over the years, comparison of the drop out rates for the entire state indicate that American Indians annual drop out rate averages 11-15% compared to 3.0% for all groups. Statistics indicate that American Indians and African Americans have the highest annual drop out rate in Minnesota, even though enrollment increased in all racial and ethnic groups in Metropolitan area schools faster than any of the previous three years. The percentage of students entering colleges and universities in 1988 indicated that American Indians were .8% of the total enrollment in all collegiate institutions in the state.

Other Issues:

The Indian Affairs Council continues to be involved in those issues affecting Indian people on a statewide basis; areas of most concern are those relating to human rights, targeted health issues such services to the aged, homeless, HIV/AIDS prevention and service, teen pregnancy, smoking cessation, and alcohol and drug abuse.

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; in Minnesota there are 59 HIV cases and 10 AIDS cases for American Indians. This represents an 18% and 25% increase respectively from last year. The IAC continues to be involved in HIV/AIDS prevention programs.

Chemical Dependency

Chemical dependency is an on-going concern of the Indian Affairs Council. The Chemical Dependency Program Division communicates with the IAC on needs and legislative action and has also contracted with our agency to act as a conduit for projects targeted specifically to establishing programs or systems which could be interwoven, when necessary, with other on-going programs in order to provide a stable base which will encourage and maintain complete recovery. Implementation of special projects such as these will greatly affect the mental and economic stability of the family unit as a whole.

INDIAN AFFAIRS COUNCIL

The Indian Affairs Council is responsible for direct programming efforts that include the areas of Indian burial, Re-burial, Indian Business Loans, Indian Economic Opportunity Programs and Special Projects administered by this agency. The following provides an overview of those program efforts for fiscal year 1994.

Indian Burial/Re-Burial Program

Minnesota was one of the first states to protect, by law, Indian remains and those possessions that accompany an Indian burial. Indian burial grounds are duly protected under the "Private Cemeteries Act" (M.S. 307.08). Any willful removal of such remains is a felony.

The Indian Affairs Council, in cooperation with the State Archaeologist, is responsible for the protection, and reburial of Indian remains. The Indian Affairs Council 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.

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 re-interred as soon as possible to their appropriate locations. The time period needed for the total reburial of Indian remains will be several more years. It is anticipated that the level of maintenance for new cases will remain between 30-50 individuals per year. The area of prevention of new cases will be a focus of the Indian Affairs Council, in which we will inform the public about the law, protection of Indian remains and procedures to follow when these sites are accidentally uncovered or discovered.

The Indian Affairs Council works with the State Archaeologist in carrying out the provisions of Mn. Stat. 307.08, the Private Cemeteries Act and Indian Burial law. The responsibilities are to rescue, identify, protect and re-bury human remains; on-going receipt of new cases including burials recently and accidentally disturbed and human remains that have been in the possession of private citizens, museums and county historical societies.

Various state and private agencies cooperate to provide protection for Indian cemeteries. The Minnesota Historical Society, Department of Transportation and the Department of Natural Resources have been very cooperative in assisting with the provisions of Mn. Stat. 307.08. We have protected both existing recorded sites and have requested and received, cooperation to test for unrecorded and unknown sites to be recorded and protected as they are found.

Staff of the Council has attended meetings of the Council for Minnesota Archaeology and Minnesota Science Museum, U.S. Forest Service and we are involved in the planning process for archaeology in Minnesota for the future. We have worked in cooperation with federal agencies such as the U.S. Army Corp of Engineers, U.S. Forest Service and U.S. Bureau of Indian Affairs in the protection of cemeteries and archaeological sites in Minnesota.

The Indian Affairs Council has initiated a very comprehensive program for reburial of human remains of American Indian people that have been unearthed in the past and stored in various institutions throughout the State. We are working along with the archaeological and anthropology scientific communities in an effort to identify and return to the Indian communities, these remains for their proper reburial. Realizing that in the past, Minnesota has been the repository for a number of different tribes passing through or settling here for a time, our agency has worked with spiritual people in sensitizing other agencies and organizations in the proper way to handle remains and possessions which show respect for the deceased. Our goal is to re-bury those remains that have been stored on shelves, boxes and on display in museums in as respectful and dignified a manner as possible.

Before the Minnesota Indian Re-burial project was undertaken in 1990, 157 individual remains had to be re-buried during the years 1978 through 1989. In the years the project has been in force, 932 individual Indian remains have been identified and have been, or are ready for, reburial. Nearly 30 new cases of human remains representing nearly 50 individuals are investigated each year through funding provided by the council's budget.

The Council has a contract with Hamline University for collaboration in the identification and authentication of human remains and burial sites. The Council is responsible for the re-burial of Indian remains found in Minnesota; which they perform under the guidance of traditional and spiritual advisors who maintain the dignity and integrity of each burial in accordance with Indian religion and culture.

A recently enacted Federal Law "Native American Graves Protection and Repatriations Act (Public Law 101.601) should help enforce the Indian Affairs Council's responsibilities to protect Minnesota Indian burial sites and return Indian human remains and burial goods to their rightful tribal affiliations.

The purpose of this new federal law is to return certain objects to tribes which should never have left those tribes. These four (4) categories include: 1) human remains and associated grave goods; 2) unassociated funerary objects; 3) sacred objects that could be used by traditional religious practitioners; and 4) objects of cultural patrimony (i.e. wampum belts, etc.). Tribes should be notified regarding materials that exist in museums in Minnesota and other parts of the country where objects are held that may belong to their particular tribe or band. These efforts to return Indian materials to their proper Indian tribes will be coordinated with the Minnesota Historical Society (MHS) which, when they hold objects that they believe are Ojibway/Dakota, will notify tribes so they can identify them. If a tribe/band has no adequate storage facilities, MHS will curate for them, as they have areas where tribal people can come to use these objects at their discretion.

Indian Business Loan Program

The Indian Business Loan Program, administered by the Indian Affairs Council, provides Minnesota-based Indians with the opportunity to obtain a portion of the financial resources needed to establish or expand a business enterprise in Minnesota, both on and off the reservations.

Funds for this Loan program come from twenty percent (20%) of the Severed Mineral Rights taxes that are collected by counties each year. This 20% mineral interest tax amounts to 5 cents per acre, which is dedicated (Minnesota Statute 116J.64) into a special revenue fund for Indian Business Loans. The total amount collected and deposited from this tax averages approximately \$89,000 per year; this total is then distributed among the eleven (11) Indian reservations in the state. The loan amounts available to each individual tribe is allocated based on percentages agreed upon by all the tribal councils.

These dedicated amounts of monies available each year for business loans for each reservation have wide ranging impact in terms of the types and number of businesses that are assisted by this program. We are proud that this business loan program is the only one of its kind in the nation.

Funds are administered by the Indian Affairs Council. When an eligible Indian applies for a business loan, the application is forwarded to the Indian Affairs Council for review of appropriate documentation. If all information is present, the application is sent to the appropriate tribal council where applicant is enrolled, which then makes a prudent decision on whether to approve or reject the application. If the loan is approved, the application is returned to the Council for completion of the loan process. Most reservations will fund up to 25% of the total project cost and applicants must have at least 5-20% equity to inject into the project. Other financing must be approved and in place before funds are disbursed under this program. Regular financial information is required, such as balance sheets, income and expense projections, cash flow statements and a good business plan which must show a reasonable chance for success.

The law requires that a reasonable portion of the funds allocated to each reservation under this program, be reserved for businesses located off the reservation. Each individual tribal council decides how much of their available funds will be set-a-side for this purpose.

Other activities of the Indian Business Loan Program, along with regular loan officer duties, include maintaining separate records of all IBL monies forwarded by counties and clients; furnishing year-end reports on these monies to each reservation; executing site visits to clients; providing a six month report to individual reservations regarding loan activities and payments received, and meeting with reservation staff.

In Fiscal Year 1994 (July 1, 1993 through June 30, 1994) the Indian Affairs Council received 11 applications for Indian business loans. Seven loans were approved and disbursed for a total of \$179,874. The smallest loan was for \$10,000 and the largest for \$62,500. Two previous loans were repaid in full during Fiscal Year 1994.

In 1994; the mineral tax collected and deposited into the Indian Business Loan account totalled approximately \$86,000; while loan payments returned \$47,786 to this revolving fund (\$42,406 in principal repayments and \$5,3780 in interest payments).

Since the first Indian Business loan was approved in June of 1981, 79 loans have been made for a total of \$1,440,181 in loans provided to Indian businesses.

Indian Economic Opportunity Program

The Indian Affairs Council enters into an annual interagency agreement with the Department of Jobs and Training to provide information and technical assistance to the tribes. A subgrant of \$57,000 of Federal monies is provided each year from the Department of Jobs and Training to the Indian Affairs Council to fund these activities.

These subgrants for Federal monies provides funding for the position of Economic Opportunity Program Specialist to provide information and technical assistance to support a range of programs and activities that have an impact on the causes of poverty in the reservation communities. The purpose of the agreement is to use the Council's relations with Tribal governments to promote understanding of programs, identify problems, and recommend solutions for improvement so that established objectives of the respective programs are accomplished.

These Federal programs include:

Community Services Block Grant Basic Support (CSBG)
Community Services Block Grant Supplemental (CSBG)
Minnesota Economic Opportunity Grants (MEOG)
Head Start Program
Emergency Housing Program Grants (EHP)
Temporary Emergency Food Assistance (TEFAP)

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 work plans and budgets, and training of new staff.

Contracts are awarded to eleven reservation tribal governments based on the most recent census count available to the State of Minnesota. Allocations for the various grant programs were awarded to each reservation government based on the most recent reservation census count. For some grants, a base funding to provide administrative capability is added to the allocations. In most instances, grant awards based solely on population counts do not begin to meet the needs of most reservations population. For this reason, coordination of grant planning among Community Services administered grants is essential, as is the mobilization of supplemental resources. This is the 13th year the Community Services Block Grant has funded the position of an Indian Affairs Council Economic Opportunity Specialist 3. This Council staff employee's schedule calls for work hours at the Council's office in Bemidji as well as the Department of Jobs and Training office in St. Paul.

Activities

Through the Economic Opportunity Specialist, the Council is involved in the activities administered by the Community Services Grants. Duties include: review of grantee files and records for each reservation for all grants, assessment of financial audit reports, progress reports, client reports and determination that grantees are invoicing on a timely basis. Site visits to eleven reservation grantees have proved to be essential in assessing local efforts to increase productivity and self-sufficiency in providing better service to people in need. Site visits also enhance communication between the Community Services and the Tribal governments. Grants are reviewed and monitored to ensure compliance procedures are met. The Economic Opportunity Specialist provides technical assistance on invoicing procedures and is involved with Grantee Assessment Review (GAR), and Emergency Food Assistance Program reviews as well as reviewing base documents that must be on file for continued grantee eligibility and contract compliance.

Programs are monitored for compliance issues which follows Federal regulations, instructions and policies. State agencies implement whatever internal policies are necessary to manage the programs in the most efficient and accountable manner.

Each grantee (Reservation) is required to submit a workplan based on Community Needs Assessment and the identification of prioritized needs as determined by that assessment process; a description of the service delivery system targeted to low income individuals and families within the areas; a coordination plan which describes how the grantee has conferred with and established working relationships with area service providers and how this collaborative approach will impact on the low income people progress geared toward self-sufficiency. The Reservation Tribal Council officials are responsible for providing a range of services and activities consistent with the goals and objectives of the Community Service Block Grant.

Programmatic information is required on all Economic Opportunity Grants. Timely Economic Opportunity Reports (EOR), Cash Requests, Financial Status Reports and Annual Audits are needed for continued grant activity. A few have experienced unforeseen changes due to turn over in staff and other related problems have occurred making individual grantees late in reporting information on a timely basis to the state. Site visits to the agencies are part of the annual review process in addressing identified needs.

Goals and Objectives

Each reservation government has determined what essential program activity must be accompanied to meet the required needs of low income residents. The Council believes that work carried out by the Economic Opportunity Specialist is of benefit in seeing that these programs get off the ground and are seen to a successful completion. Continuation of this project is dependent on continued federal appropriation and support from the Department of Jobs and Training.

The Urban Indian Advisory Council (UIAC) is appointed by the Council Board; is an active subcommittee of the Indian Affairs Council and meets every other month. Its purpose, as mandated in M.S. 3.933, subdivision 8, is to advise the board on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The composition of the UIAC shall be five (5) Indians residing in the vicinity of Minneapolis, St. Paul and the Duluth area; at least one member of the UIAC shall be a resident of each city.

Special Programs:

While participating in a number of activities as part of its overall mission, the Indian Affairs Council has come to be recognized, and utilized, as a storehouse and clearinghouse for information and projects as they relate to Indians in Minnesota. As such, the IAC is called upon to implement and/or initiate a variety of activities and programs which often fall into a "Special projects" category; are very often funded for no more than one year; considered short term in duration and therefore are not housed within the confines of the Indian Affairs Council for any more than 1 year.

These "Special Programs" are often initiated by other state agencies and the Council acts as a conduit, thereby making it possible for smaller projects to begin establishing identities of their own and are thus able to implement programs based on their merits as a group or organization.

Ombudsperson for Families

In fiscal Year 1994, a significant amount of time was devoted to the implementation and support for the ombudsperson for Indian families position and development of the ombudsperson advisory board. The Ombudsperson for Indian Families has broad powers and has the authority to investigate issues of out-of-home placement, compliance, and also is mandated by law, to make 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 hired an ombudsperson for their respective communities. Beginning in Fiscal Year 1995, all four Ombudspersons were merged into one office for better coordination of information and activities; the Ombudsperson for Indian Families is no longer connected to the Indian Affairs Council.

Healthy Nations:

The Healthy Nations project, as contracted to the the Indian Affairs Council by the Department of Human Services, is to develop and facilitate a process for improving coordination and provision of chemical dependency and health services within the twin cities area as they relate to American Indian youth; and develop a means for a community network assessment instrument which will be used to improve services.

Alcohol and Other Drug Prevention Council:

Contracted to the Indian Affairs Council by the Department of Human Services, with the over all goal of tapping the strength of American Indian culture, values, beliefs and ceremonies as a vehicle to empower their use in American Indian community prevention strategies; and conduct a survey of American Indian youth in relation to their knowledge, behavior and attitudes as it pertains to alcohol and other drugs and American Indian Culture; facilitate a community-wide effort in planning a comprehensive alcohol, tobacco and other drug prevention program.

The Council received a \$45,000 subgrant of Federal funds from the Department of Human Services to carry out the objectives of these two projects.

1993 Legislative Actions and Appropriations for Fiscal Years 1994 and 1995

Biennial appropriations

Indian Housing: \$187,000 is appropriated for 1994 and 1995 for urban Indian housing programs; and \$1,683,000 appropriated for 1994 and 1995 is dedicated for tribal housing programs; also language changes for participation of financial institutions and other leveraging sources to use these dollars. Language changes recommended through the Minnesota Indian Affairs Council (MIAC) is in support of tribes.

Minnesota Indian Affairs Council budget: the MIAC will receive \$473,000 in 1994 and \$457,000 in 1995; of this appropriation, \$6,000 in 1994 and \$5,000 in 1995 is earmarked specifically for the Ombudsperson for Indian Families and is to be transferred to that program; \$15,000 was added as a one year appropriation for the Indian Child Welfare Act, to develop a Juvenile Justice Center to serve Indian families in Hennepin County. Language changes to Ombudsperson position clarify that dollars appropriated through the Minority councils are under direct advisement of the Advisory Councils established for each of the Ombudspersons program. MIAC does not make decisions on how money is being spent, but was acting as the fiscal agent through fiscal year 1994 when the Ombudspersons will become a separate state agency.

Education: legislation has been introduced to provide funding for the education of Nurses of Color including American Indians and the Attorney General's office is attempting to challenge this legislation on the premise that scholarships should not be based on race. The MIAC, Attorney General's office and the Department of Education have been meeting in an attempt to clarify the misunderstanding.

K through 12 funding: levels remain the same for 1994 and 1995 in the American Indian Post-Secondary Preparation Grants, American Indian Language & Culture Programs, American Indian Scholarships, American Indian Education, Indian Teacher Preparation Grants, Tribal Contract Schools and Early Childhood Programs at tribal schools. New funding was made available for Multi-Cultural Education Advisory Task Force Committee with \$135,000 available for each of the four communities of color to look at multi-cultural education in public schools.

The Nett Lake Reservation received \$20,000 in 1994 and 1995 for insurance premiums; and \$30,000 for Unemployment Compensation.

Other legislation passed include tobacco products prohibited in public schools, with the exception of use in traditional Indian spiritual or cultural ceremonies; Indian Child Welfare Defense Corporation, \$50,000 was appropriated through the Public Defenders appropriation which also supported the \$15,000 given to MIAC under the Indian Child Welfare Act. The Department of Human Services has addressed issues of chemical dependency counseling and licensure and addressing the Hennepin County detox issue of abuse, legislation was introduced to provide technical assistance that is culturally sensitive for detox services and wet/dry facilities that serve the American Indian community.

SUMMARY
Actions of the 1994 LEGISLATURE - STATUTES ENACTED
Pertaining Specifically to Indians in Minnesota

Chapter 469, amends M.S. 307.082 to increase the number of entities who may bring civil action violators of Indian burial grounds.

Chapter 498, amends M.S. 69.011 to include fire state aid to American Indian tribal government entities on reservations.

Chapter 529, section 4, Subd. 11, amends M.S. 254A.02, Subdivision 11, for the purposes of alcohol and drug abuse treatment, defines "American Indian" as a person who is a member of an Indian tribe (rather than one quarter or more Indian blood as was the former definition). The Commissioner of Human Services shall use the definition of "Indian", "Indian Tribe", and "Indian Organization" provided in United States Code, Title 25, Section 450(b), as amended through December 31, 1992.

Chapter 576, Section 5-8, 67 amends M.S. 257.3571, provides direct grants to an Indian Child Welfare Defense Corporation to promote statewide compliance with the Indian Family Preservation Act and the Indian Child Welfare Act. Increases the kinds of entities that may apply for Indian Child Welfare grants.

Chapter 579, Section 2, amends Laws of 1992, Section 2, to sell state Lake Winnibigoshish fish hatchery in Cass County to the Leech Lake Band of Chippewa Indians.

Chapter 579, section 5, allows St. Louis County to convey state tax-forfeited land to the Bois Forte Reservation Tribal Council for economic development and construction of sewage treatment facilities.

Chapter 586, Section 4, amends M.S. 462A.05, to modify programs of the Minnesota Housing Finance Agency concerning low and moderate-income American Indians, tribal housing, accessibility and other loans, grants, and various provisions of this housing statute.

Chapter 611, Section 12, amends M.S. 340A.311 to refuse registration of a malt liquor brand label that states or implies a false connection to an American Indian leader.

Chapter 632, Article 2, Section 6, appropriates matching grants of \$100,000 each to the White Earth and Leech Lake Reservations and \$50,000 to the Nett Lake Reservation for community recreation facilities.

Chapter 632, Article 2, Section 63, requires removal of overhead electric power lines within Indian Mounds Park in the City of St. Paul.

Chapter 632, Article 3, Section 10, appropriates \$300,000 to be used to make a grant to the Minnesota Chippewa Tribe to help offset the costs of promoting and hosting the 1995 Indigenous Games.

Chapter 632, Article 4, Section 15, appropriates \$10,000 in FY 1995 to make Ombudsperson for Families a full-time position and for the statewide outreach. The Council shall report to the Legislature by February 1, 1995, on the results and effects of the statewide outreach.

Chapter 632, Article 4, Section 62, 63, 64, 83, amends M.S. 257.0755, .0762, .0768, to require Ombudsperson to operate independently from the Council. Four community-specific boards are created that shall appoint the Ombudsperson for its community. The members of the boards shall meet jointly at least four times each year to advise the Ombudspersons on overall policies, plans, protocols and programs for the office. Certain current advisory committee members must be appointed to new boards and term lengths must be staggered.

Chapter 633, Article 7, Sections 1-6, amends Indian gaming statutes, M.S. 3.9221 and 299L.02; concerning tribal-state compacts, report to Legislature, Indian gaming revolving account, background checks, Attorney General's costs defrayed, and minimum age for participating in gambling.

Chapter 641, Article 1, Section 4, authorizes independent spent fuel storage installation at Prairie Island nuclear generating plant. The Mdewakanton Dakota Tribal Council at Prairie Island is an intended third-party beneficiary of this agreement, and has standing to enforce the agreement.

**OVERVIEW OF EXISTING MINNESOTA STATUTES
SPECIFICALLY RELATED TO INDIANS
NOTE: Summary only; see current statutes for exact language**

3.922 Creates the Indian Affairs Council, membership, duties, objectives, etc

The purpose of the legislation is to create the Indian Affairs Council to provide special emphasis on tribal government, government to government relationships between state and tribal governments, and creates an urban Indian advisory council on urban Indian issues and concerns. The council is the official state liaison to address the needs of Indian people throughout the state. Defines membership, duties, authorities and objectives.

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. The Attorney General is the legal counsel for the Governor or the governor's representatives in regard to negotiating a compact. If the governor appoints designees to negotiate, the designees must include at least two members of the Senate and two members of the House of Representatives, two of whom must be the chairs of the Senate and House of Representatives standing committees with jurisdiction over gambling policy. The Attorney General shall deposit in a separate account in the state treasury, all money received from Indian tribal governments for the purpose of defraying the attorney general's costs in providing legal services with respect to Indian gaming. Money in the account is appropriated to the attorney general for that purpose.

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 loan 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.

69.011, subdivision 1

includes American Indian tribal government entity located within a federally recognized American Indian reservation in the fire state aid program.

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.

97A.165 Source of Payments for Indian Agreement

Money is appropriated annually to make payments to the Leech Lake Band, the 1854 treaty area agreement, and the White Earth Band special license account under sections 94.16, 97A.151, subdivision 4, and 97A.157, subdivision 4; money is appropriated for that purpose 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, 116C.72, 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.

116C.77 Legislative Authorization for Independent Spent Fuel Storage Installation at Prairie Island.

The Minnesota legislature in compliance with Minn. Stat. Section 116C.72, ratifies and approves the EIS and the limited certificate of need and authorizes the use of casks at Prairie Island in accordance with the terms and conditions of the certificate of need as modified by this act and without further environmental review under chapter 116D or further administrative review under section 216B.243

116C.773 Sec. 4 Contractual Agreement

The authorization for dry casks is not effective until the governor, on behalf of the state, and the public utility operating the Prairie Island nuclear plant, enter into an agreement binding the parties to the terms of sections 2 and 3 and the mandate for 200 megawatts of windpower and 75 megawatts of biomass required by December 31, 2002. The Mdewakanton Dakota Tribal Council at Prairie Island is an intended third-party beneficiary of this agreement and has standing to enforce the agreement.

116C.774 Sec. 5 Authorization

To the extent that the radioactive waste management act, Minn. Stat. Section 116C.72, requires legislative authorization of the operation of certain facilities, this section expressly authorizes the continued operation of the Monticello nuclear generating plant spent nuclear fuel pool storage facility and the Prairie Island nuclear generating plant spent nuclear fuel pool storage facility.

116J.64 Loans to Indians

Twenty percent of the revenue received from taxation of severed mineral interests by county auditors goes to the State Treasurer and is deposited into a special revenue fund called the "Indian Business Loan Account". This account is under the jurisdiction and control of the Indian Affairs Council and is to be utilized in a business loan program for eligible American Indians in the state. This program is to assist in establishing or expanding a business in the state and is available to Mn-based Indians both on and off the reservations.

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 adopted by 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.

124.17 Special Definition of a Pupil Unit in Onamia

Notwithstanding Minn. Stat., 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 as one-half of a pupil unit in average daily membership.

124.278 Minority Teacher Incentives

A district is eligible for reimbursement of a portion of a minority teachers salary, if the district has a minority enrollment of ten percent or more, or has a desegregation plan approved by the state board of education. A person is a member of a minority group if that person is of African American, American Indian, Asian Pacific American, or an American of Mexican, Puerto Rican, or Spanish origin or ancestry.

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 eligible Minnesota resident who is of Indian ancestry through an application process. Scholarships shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools.

124.481 Indian Post Secondary Preparation Grants

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

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

This statute authorizes each American Indian controlled contract or grant school authorized by the United States Code of Federal Regulations, Title 25, Section 450f, located on a reservation within the state to receive tribal contract or grant aid. A school receiving such aid is also 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 following for this purpose: 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.

125.623 Teachers of Color

Provides the commissioner of education, in consultation with the multi-cultural advisory committee, to award incentive grants to school districts for the recruitment and professional development of teachers of color in the fields of education, including early childhood and parent education. For purposes of this section "people of color" means permanent United States residents who are African American, American Indian or Alaskan Native, Asian Pacific Islander, or Hispanic. Grant applicants must fit the criteria established by statute.

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 is also concerned about the lack of American Indian teachers in the state. Sections 126.45 to 126.55 provides legislation addressing these concerns.

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.

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

The nursing grant program is to provide grants to students of color 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.

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

Subdivision 1. The state archaeologist shall be a professional archaeologist who meets the United States secretary of the interior's professional qualification standards in Code of Federal Regulations, title 36, part 61, appendix A. The state archaeologist shall be paid a salary in the range of salaries paid to comparable state employees in the classified service. The state archaeologist may not be employed by the Minnesota Historical Society. The state archaeologist shall be appointed by the board of the Minnesota historical society in consultation with the Indian Affairs Council for a four-year term.

Duties of the State Archaeologist include responsibility to the Indian Affairs Council for protection of Indian burials, cemeteries, and reburial of Indian remains.

138.38 Reports Of State Archaeologist

The state archaeologist shall consult with, and keep the Indian Affairs Council and the director of the Historical Society informed as to significant field archaeology, projected or in progress, and to significant discoveries made. Annually, and also upon leaving office, the state archaeology shall file with the Indian Affairs Council and the director of the Historical Society a full report of the office's activities including a summary of the activities of licensees, from the effective date hereof or from the date of the last full report of the state archaeologist.

138.40 Cooperation 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

138.661-6691 Historic Sites and Places

Designates those historic sites to be operated by the Minnesota Historical Society and historic places registry not operated by historical society. Requires state agencies and political subdivisions to protect these places and cooperate with the historical society before making changes to those places. Many designated historical sites and places directly relate to Indian history and culture.

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, subd. 2. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 257.351, subd. 9.

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.

148C.11 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 those agencies, 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 Spanish-Speaking affairs council, the council on Asian Pacific Minnesotans, the council on black Minnesotans, and the Indian Affairs Council.

148C.11 Subdivision 5 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.

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 to 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, for the purpose of obtaining funding for compulsive gambling programs. Contributions collected under this subdivision are appropriated to the commissioner of human services for the compulsive gambling treatment programs under this section.

246.44 Pipestone Indian School

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

251.17 Indians, Facilities for Treatment

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

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

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

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.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 who is a member of an Indian tribe.

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.

254A.035 American Indian Advisory Council

This legislation provides the policies and procedures established for the American Indian Advisory Council; also that the council shall expire on June 30, 1997.

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.

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.

257.0651 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 legislation provides the compliance procedures to be initiated for termination of parents rights, visitation; placement; social service agency responsibility; documentation regarding placement; situation reports and other issues that arise when changing out of home placements.

257.0755 Office of Ombudsperson; Creation, Qualifications; Functions

Each ombudsperson for families shall be appointed to operate independently from, but in collaboration with 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

Selection; Qualifications; The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768.

257.0768 Community-Specific Boards.

Subd. 1. Membership. Four community-specific boards are created. Each board consists of five members. The chair of each of the following groups shall appoint the board for the community represented by the group: the Indian Affairs Council; the Spanish-Speaking Affairs Council; the Council on Black Minnesotans; and the Council on Asian-Pacific Minnesotans. In making appointments, the chair must consult with other members of the council.

Subds. 2-6 establish the criteria for: compensation; meetings; duties; terms; removal and expiration.

257.35 to 257.3579 Indian Family Preservation Act

The purpose of this legislation is to establish criteria and protocol for child placement of Indian children who are members of an Indian tribe or Alaskan Native. This legislation also includes definitions, application process, grants, eligibility, placement records, licensed child placement criteria, monitoring, continued legal responsibility of local social service agencies, etc.

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.

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.

290.01 Taxes

Additions to Federal Income Tax: Interest on obligations of an Indian tribal government described section 787(c) of the Internal Revenue Code shall be treated as interest income on obligations of the state in which the tribe is located.

299L.02, subd. 5 Relating to Gambling on Indian lands

Background Checks. In any background check required to be conducted by the division of gambling enforcement under this chapter, chapter 240, 349, 349A, or section 3.9221, the director may, or shall, when required by law, require that fingerprints be taken and the director may forward the fingerprints to the Federal Bureau of Investigation for the conducting of a national criminal history check. The director may charge a fee for fingerprint recording and investigation under section 3.9221.

299L.02, Sec. 5. is amended by adding a subdivision to read:

Subd. 7. Revolving Account. The director shall deposit in a separate account in the state treasury all money received from Indian tribal governments for charges for investigations and background checks under compacts negotiated under section 3.9221. Money in the account is appropriated to the director for the purpose of carrying out the director's powers and duties under those compacts.

299L.02, Sec. 6. Minimum Age.

Subd. 1. Renegotiating Of Compact. The Governor, pursuant to M.S., section 3.9221, shall take all feasible steps to renegotiate all compacts negotiated under that section for the purpose of establishing a minimum age of 21 years for participating in gambling authorized under the Indian Gaming regulatory act, Public Law Number 100-497, and future amendments to it.

Subd. 2. Legislative Intent. It is the intent of the legislature that, in the event a minimum age of 21 is negotiated with more than one-half of the tribes that conduct gaming in Minnesota, legislation will be enacted adopting the same minimum age for gambling conducted under MN Stat., chapters 240, 349, and 349A.

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.

307.082 Civil Actions Against Violators of Burials

Subdivision 1. WHO MAY BRING. An action under this section may be maintained by the attorney general; a state agency or political subdivision; an individual residing within this state; or a partnership, corporation, association, company, or other entity with shareholders, members, partners, or employees residing within this state.

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.311 Liquor Brand Registration

The commissioner of public safety shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992.

340A.4055 Licenses in Indian Country

Indian tribal governments may issue valid licenses to Indians for the sale of liquor in Indian country. These liquor licenses do not require a license from any municipality, county or town.

462A.07 Housing Finance Agency Programs

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

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.

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.

INDIAN AFFAIRS COUNCIL APPROPRIATIONS: FY 1994

Report: July 1, 1993 through June 30, 1994

Indian Affairs Council	351,000	
Indian Affairs Board	4,000	
Indian Burial	12,000	
Indian Re-Burial	<u>85,000</u>	
<u>TOTAL</u> appropriations	452,000	452,000
Special Revenue - Fund 20		
Indian Business Loan Program	200,000	200,000
Indian Reservation Economic Opportunity Program	57,000	57,000
Federal - Fund 30		

***Special Short Term Programs Administered by MIAC**

via Direct appropriations; contract with various state agencies; Inter-agency Agreements, etc.

Indian Child Welfare Act Fund 10: Direct Appropriation	15,000	
Indian Family Ombudsperson Direct appropriation: Fund 10 & Fund 20	23,000	
Healthy Nations: Oct, 1993-Sept, 1994 FY 94/95: Dept Human Services- Federal - Fund 30	20,000	
Alcohol & Other Drug Prevention Council: Oct 1993 - Sept, 1994 FY 94/95: Dept of Human Services- Federal - Fund 30	25,000	
TOTAL: Special Programs	83,000	<u>83,000</u>
<u>TOTAL ALL FUNDS</u>		792,000

BUDGET: FY 1995

Indian Affairs Council	341,000	
Indian Affairs Board	9,000	
Indian Burial	18,000	
Indian Re-Burial	85,000	
 TOTAL: General Fund	 452,000	 452,000
 Indian Business Loan Program	 231,000	 231,000
 Reservation Economic Program	 57,000	 57,000

*Special Short Term Programs Administered by MIAC:
via contract, Inter-Agency Agreements, etc.

Bayport Burial Site	12,000
Mn Historical Society	

Healthy Nations: (Oct, 1993 to Sept 30, 1994: FY's 94/95)	
Dept of Human Services contract	20,000

Alcohol & Other Drug Prevention Council	
Oct, 1993 to Sept 30, 1994: FY's 94/95	
Dept of Human Services contract	25,000

TOTAL	57,000	<u>57,000</u>
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TOTAL ALL PROGRAMS	797,000
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BUDGET REQUEST SUBMITTED TO 1995 LEGISLATURE

	<u>FY 1996 Budget Request</u>	<u>FY 1997 Budget Request</u>
Indian Affairs Council	343,000	348,000
Indian Affairs Board	10,000	10,000
Indian Burial	15,000	15,000
Indian Re-Burial	<u>90,000</u>	<u>90,000</u>
TOTAL Appropriation Requested	458,000	463,000
Indian Business Loan Program	231,000	236,000
Special Revenue		
Reservation Economic Program	57,000	57,000
Federal - Fund 30		
TOTAL All Regular Programs	746,000	756,000