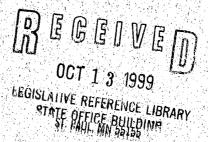


Minnesota Indian Affairs Council

1998 Annual Report



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Surviving In the 20th Century

A Snapshot of 1997 Native America

"The utmost good faith shall always be observed towards Indians: their lands and property shall never be taken from them without their consent."

Congress, 1789

"This administration intends to restore tribal governments to their rightful place among governments."

Ronald Reagan, 1983

"It is now time when you deal with an Indian tribe to deal with their tribal government in the same spirit that you deal with the governors and the states."

Secretary of the Interior, Bruce Babbitte

By all statistical measures, American Indians are among the poorest people in the country. They have some of the most pressing economic and social needs. Despite the historic trust agreement with the U.S. government, tribes must provide for their members' health, education, housing, and social welfare requirements.

- There are 2 million American Indians living in America today and 575 federally recognized tribes.
- ♦ 38 percent of Indians 6 to 11 years old live below the poverty level, more than twice the number of the average U.S. citizen.
- ♦ 16 percent of Indian males and 13 percent of Indian females, 16 years and older are unemployed as compared to 6 percent for average Americans.
- The suicide rate for 15 to 24 year-old Indians is more than twice that of any other American or ethnic group.
- ♦ 45 percent of Indian mothers have their first child under the age of 20. This is more than double the rate for any other ethnic group.
- ◆ Indians die younger than any other segment of the population. 13 percent of Indian deaths are under the age of 25. This compares to 4 percent of the U.S. population.
- ◆ The alcoholism death rate for Indians ages 15-24 years old is more than 17 times the comparable rate for other Americans.
- ♦ Homicide is the second leading cause of death among Indians 14 years old and younger and the third leading cause of death for Indians 15-24 years old.

In the past decade some tribes have begun to provide for their communities and build a better future for their children. Tribes are getting off welfare rolls and onto their own payrolls as a result of new tribal economic diversification.

But the success of some tribes has generated new myths that tribes are getting rich from these new ventures, particularly gaming. Less than one-third of the federally recognized tribes have gaming operations. The fact is these tribes are using these revenues to pay for what the government has promised, yet never delivered.

There has been a frustrating series of efforts in the most recent sessions of Congress to strip tribes of their sovereign rights, impose new and unfair taxes, slash federal funding to health, education, and community service programs. Tribal governments now face unprecedented hostile legislative amendments that would take away sovereign immunity and mandate means testing for federal funding. This newest assault is occurring while other state or local governments are not means-tested and are already guaranteed jurisdictional respect.

Tribes are banding together to establish a voice and presence in the nation's Capitol. Indian people and their tribal governments are sacrificing much needed resources to protect their Constitutional rights.

As a result of Constitutional provisions, treaty obligations, hundreds of federal statues, and dozens of legal decisions it has been established that American Indian tribes have a unique legal relationship with the United States government.

Tribal governments are now demanding that the 105th Congress and the Clinton administration fulfill their commitment to American Indian tribes by upholding the trust relationship. Indians are rejecting decades of failed federal Indian policies and programs and are clearing a path to a more secure future of self-sufficiency and self-determination.

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Council Description and Background Information

The Minnesota Indian Affairs Council (MIAC) was established in 1963 (MN Statutes Chapter 888, Sec.2 (3:922)). MIAC is the official liaison between the State of Minnesota and the eleven tribal Governments within the state. The Council provides a forum for and advises state government on issues of concern to urban Indian communities. The Council administers four programs designed to enhance economic opportunities and protect cultural resources for the state's American Indian constituencies. The MIAC plays a central role in the development of state legislation. They monitor programs that affect the state's American Indian population and tribal governments. Minnesota was the first state in the nation to establish an Indian Affairs agency and provided a model for other states to follow.

Vision Statement

The Indian Affairs Council's vision is to strive for the social, economic and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional cultural and spiritual values.

Mission

The mission of the Indian Affairs Council is to protect the sovereignty of the eleven Minnesota. Tribes and ensure the well-being of American Indian citizens throughout the State of Minnesota.

Minnesota Indian Affairs Council - At-Large Membership

The two at-large members on the MIAC Board of Directors represent America Indian tribal members that are not from a Minnesota-based tribe, but are residents of Minnesota. There are over twenty different nations living in Minnesota from out of state tribes. The issues that urban American Indians face everyday are similar to tribal problems, but those needs are addressed through community service programs. Unemployment, education, housing and health issues are just a few of the issues that are addressed by the Council's at-large members.

Urban Indian Advisory Council

The Urban Indian Advisory Council (UIAC) is appointed by the MIAC Board of Directors and is an active subcommittee of the Indian Affairs Council. The purpose of the UIAC is to advise the Board on the unique problems and concerns of Minnesota Indians who reside in urban areas within the state. Per Minnesota Statute 3.933, Subdivision 8, the composition of the UIAC shall be five Indians enrolled in Minnesota-based tribes and at least one member shall reside in the vicinity of Minneapolis, St. Paul, and Duluth. The UIAC meets every other month in various urban areas.

Indian Affairs Council Members

Executive Board

Chairman:

Chairman Dallas Ross Upper Sioux Community

P. O. Box 147

Granite Falls, MN 56241 Phone: (320) 564-3853 Fax: (320) 564-2457

Treasurer:

Chairman John Buckanaga White Earth Reservation

P. O. Box 418

White Earth, MN 56591 Phone: (218) 983-3285 Fax: (218) 983-3641

Member:

Chairman Robert "Sonny" Peacock Fond du Lac Reservation

1720 Big Lake Rd. Cloquet, MN 55720 Phone: (218) 879-4593 Fax: (218) 879-4146

Member:

Chairmán Audrey Kohnen Prairie Island Mdewakanton

Community 1158 Island Blvd Welch, MN 55089 Phone: (612) 385-2554

1-800-554-5473 Fax: (612) 388-1576

Member:

Harlan La Fontaine 2914 E. 25th St.

Minneapolis, MN 55406 Phone: (612) 647-9221 Vice-Chairman:

Chairman Bobby Whitefeather Red Lake Band of Chippewa Indians

P.O. Box 550

Red Lake, MN 56671 Phone: (218) 679-3341 Fax: (218) 679-3378

Member:

Chair Doris Isham
Bois Forte Reservation

P. O. Box 16

Nett Lake, MN 55772 Phone: (218) 757-3261 Fax: (218) 757-3312

Member:

Chief Executive Officer Marge

Anderson

Mille Lacs Band of Chippewa

HCR 67, Box 194 Onamia, MN 56359 Phone: (320) 532-4181 Fax: (320) 532-4209

Member:

Chairman Eli Hunt Leech Lake Reservation Route 3, Box 100 Cass Lake, MN 56633 Phone: (218) 335-8200 Fax; (218) 335-8309 Secretary: Loretta Gagnon St. Paul Public Schools

1028 Van Slyke Ave. St. Paul, MN 55103-1095 Phone: (612) 293-5191

Fax: (612) 293-5193

Member:

Chairman Roger Prescott Lower Sioux Community

RR#1, Box 308 Morton, MN 56270 Phone: (507) 697-6185 Fax: (507) 637-4380

Member:

Chairman Norman Deschampe Grand Portage Reservation

P.O. Box 428

Grand Portage, MN 55605 Phone: (218) 475-2279 or 79

Fax: (218) 475-2284

Member:

Chairman Stanley Crooks, Sr.

Shakopee-Mdewakanton Community

2330 Sioux Trail, NW Prior Lake, MN 55372 Phone: (612) 445-8900 Fax: (612) 445-8906

Urban Indian Advisory Council

Chair:

Valerie Sheehan Rm. 310-1/2 - City Hall Minneapolis, MN 55415 Phone: (612) 673-3028 Fax: (612) 673-2108 Member: David Glass

800 Arlington Ave., W St. Paul, MN 55117 Phone: (651) 488-2327 Fax: (651) 488-8383 Member:

Roy James Roberts The City, Inc. 1535 E. Lake St.

Minneapolis, MN 55407 Phone: (612) 724-3689 Fax: (612) 724-0692

Ex-Officios - Senate

Senator Jane Ranum 325 Capitol Bldg. 75 Constitution Ave. St. Paul, MN 55155 Phone: (651) 297-8061 Fax: (651) 296-6511 Senator David TenEyck 24 Capitol Bldg. 75 Constitution Ave. St. Paul, MN 55155 Phone: (651) 296-4913 Fax: (651) 296-6511 Senator Cal Larson 153 State Office Bldg. 100 Constitution Ave. St. Paul, MN 55155 Phone: (651) 296-5655 Fax: (651) 296-5241

Ex-Officios - House of Representatives

Representative Karen Clark 503 State Office Bldg. 100 Constitution Ave. St. Paul, MN 55155 Phone: (651) 296-0294 Fax: (651) 297-8128 Representative Hilda Betterman 243 State Office Bldg. 100 Constitution Ave. St. Paul, MN 55155 Phone; (651) 296-4317 Fax: (651) 296-3949 Representative Edgar Olson 565 State Office Bldg. 100 Constitution Ave. St. Paul, MN 55155 Phone: (651) 296-4265 Fax: (651) 296-4165

The Duties of the Minnesota Indian Affairs Council

- Clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota.
- Assist the Secretary of State in the election of at-large members of the Council.
- Make recommendations to members of the legislature on desired and needed legislation to benefit the state's American
 Indian communities. Communicate to members of the legislature when legislation has or will have an adverse effect
 on Indian communities.
- ◆ The Council is an effective conduit to the legislature for programs, proposals and projects submitted by tribal governments, organizations, committees, groups or individuals.
- The Council provides a continuing dialogue with members of the tribal Governments.
- Assist in establishing American Indian advisory councils in cooperation with state agencies that deliver services to Indian communities.
- Assist state agencies in defining what organizations or individuals are eligible for delivery of their respective services.
- Assist in providing resources in the delivery of services to the statewide American Indian community.
- ♦ Acts as a liaison between local, state and national units of government in the delivery of services to the American Indian population of Minnesota in both rural and urban communities.
- Acts as a conduit for interaction between government bodies and elected tribal officials.
- Act as intermediary, when requested, between Indian interests and state agencies when questions, problems or conflicts exist or arise.
- Provide assistance with private and public programs in meeting the needs of American Indian citizens of Minnesota.
- Work in collaboration with state and local agencies to assist American Indian citizens with issues of discrimination and racial prejudice.

Liaisons from State Agencies to Minnesota Indian Affairs Council

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Department of Economic Security
390 N. Robert St.
St. Paul, MN 55101
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Lou Fuller, Director Office of Minority Health Metro Square Bldg. #260 121 E. 7th Place St. Paul, MN 55101 Phone: (651) 296-9799 Fax: (651) 296-9362

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Yvonne Novak Indian Education 7th Fl.-Capitol Sq. Bldg. 550 Cedar St. St. Paul, MN 55101 Phone: (651) 296-6458 Fax: (651) 297-7895

Mary Snobl Indian Elders Department of Human Services 444 Lafayette Road St. Paul, MN 55155-3815 Phone: (651) 297-5458 Fax: (651 297-7855 Gail I. Lewellan Assistant Commissioner Human Resources/Legal Affairs DNR-Box 51/DNR Bldg. 500 Lafayette Road St. Paul, MN 55155 Phone: (651) 296-9556 Fax: (651) 296-4799

Gary Gorman
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130 Capitol Bldg.
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Donna Fairbanks MN Housing Finance Agency 400 Sibley St., #300 St. Paul, MN 55101 Phone: (651) 297-4060 Fax; (651) 296-8292

Tim Glines Minnesota Historical Society 345 W. Kellogg Blvd. St. Paul, MN 55102 Phone: (651) 297-7913 Fax: (651) 296-1004

Mark Siemers
Department of Corrections
2nd Fl.-1450 Energy Park Dr.
St. Paul, MN 55108
Phone: (651) 642-0361
Fax: (651) 642-0223

Indian Affairs Council Staff

Bemidji Office - Headquarters

Joseph B. Day

Executive Director

Joe is an enrolled member of the Leech Lake Band of Chippewa and has served as the Executive Director of the Indian Affairs Council since November 1994. Prior service includes 3 years as the NE Regional Administrator for the Department of Natural Resources 1991-1994 and 9 years as liaison between the 11 tribal governments and the DNR to encourage collaborative resources management. He also served as Director of Administration for the Minnesota Chippewa Tribe for 6 years. Joe graduated from DeAnza College in Cupertino, California in the discipline of Industrial Technology-Quality Control.

Jim Jones, Jr.

Cultural Resource Specialist

Jim is an enrolled member of the Minnesota Chippewa Tribe, White Earth Mississippi Band. He has over 9 years experience in the Cultural Resource Management area. Prior to his employment with the Indian Affairs Council he was the founder and co-owner of All Nations Cultural Resource Preservation, Inc. He is a member of Native American Grave Protection and Repatriation Act (NAGPRA), the Riparian Zone Management Technical Team, Historic and Cultural Resources Technical Team.

Katherine Pemberton

Economic Opportunity Specialist 3

A life-long resident on the Leech Lake Reservation, Kathy is an enrolled member of the White Earth Reservation. She has been on the staff of the Minnesota Indian Affairs Council for the past fifteen years providing information and technical assistance to the 11 reservation governments. Her prior experiences include the Minnesota Department of Economic Security as a community liaison representative managing an employment service sub-office at Leech Lake Reservation. Kathy also worked for the Leech Lake Reservation as a junior accountant and Bemidji State University as a talent search counselor.

Ella Foster

Secretary

Ella is an enrolled member of the Fond du Lac Reservation. She spent a year working for the Spiegel Company as a Customer Service Representative in Newport News, Virginia. She returned to Minnesota in 1995, upon her return she attended school at Northwest Technical College-Bemidji, where she got her Diploma in Word Processing. Before joining the staff of the Indian Affairs Council in June 1998, she was back in school double majoring in Legal Secretary and Microcomputer Support Specialist at the Northwest Technical College-Bemidji.

St. Paul Office - Financial, Legislative and Special Programs

Charlotte White

Executive Assistant

Ms. White is an enrolled member of the Leech Lake Reservation. She transferred from the Department of Economic Development in 1983, where she administered Industrial Revenue Bonds, the Community Development Corporation programs, and the Indian Business Loan Program. Her managerial role as Executive Assistant encompasses responsibility for the biennial budget, fiscal management, personnel, affirmative action, contractual, acquisition and disposition of assets, administrative management and operational functions of the agency.

Sharon Romano

Staff Assistant

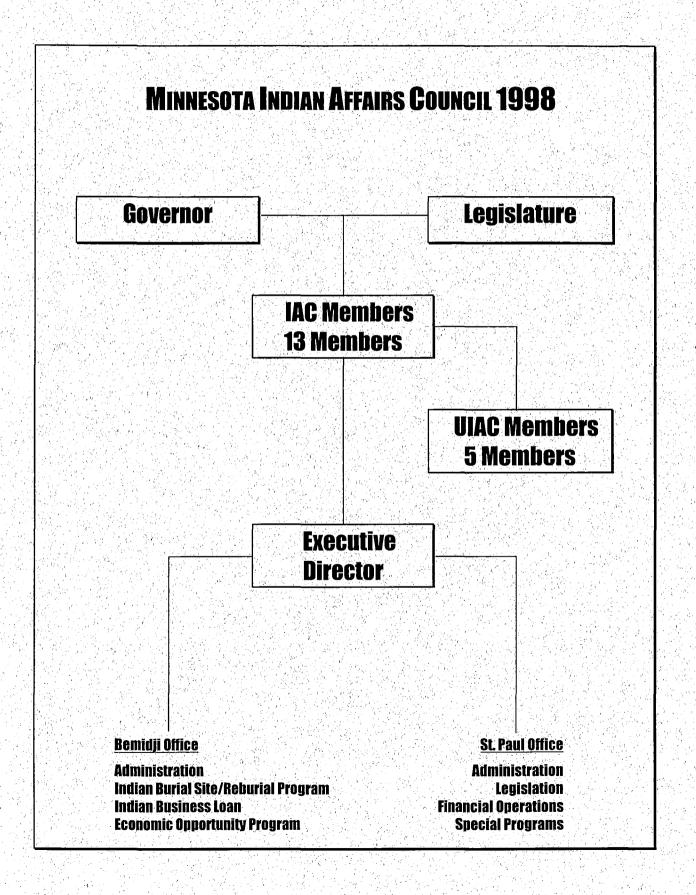
Sharon (Fairbanks) is an enrolled member of the White Earth Anishinabe Nation. She has been the Staff Assistant for MIAC since January 1995. Sharon's educational background includes an AA from 'Metropolitan Community College and a BA from Augsburg College in Human Relations and Communications. She is working on her MA in Counseling and Psychological Services at St. Mary's University of Minneapolis. Prior to joining the staff of the MIAC she was employed at Anoka-Ramsy Community College as the Director of the Indian Services program and Multicultural Affairs office. She also worked for the Minnesota Chippewa Tribe in the Minneapolis Branch office as a Career Education Specialist and Office Manager.

Lucretia E. Klenk

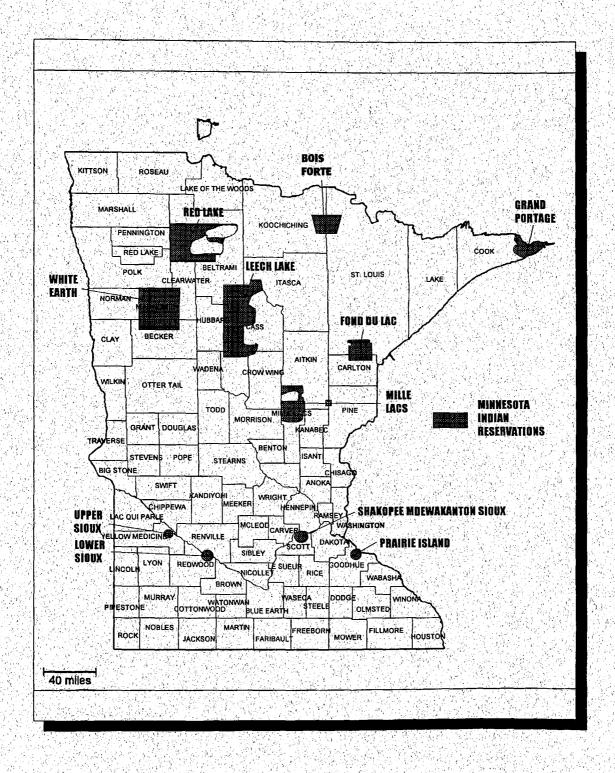
Secretary

Ms. Klenk was born and raised in Lawton, Oklahoma and is enrolled with the Kiowa Tribe of Oklahoma. She moved to St. Paul, Minnesota in the mid-1960's and has been on the staff of the Indian Affairs Council since October 1978. Her job responsibilities include secretarial duties, assisting the Executive Assistant in financial and budgetary functions, in addition to performing complex accounting transactions in the new Minnesota Accounting and Procurement System (MAPS).

Organizational Chart



Map of Minnesota Indian Reservations



Description of Minnesota Indian Reservations

Minnesota Chippewa Tribe (MCT)

The MCT Constitution governs over 35,000 enrolled members of the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, White Earth reservations, and Mille Lacs Band. The governing body of the MCT is the Tribal Executive Committee (TEC), which is composed of the chairman and secretary-treasurer of each reservation, 12 members in all. From among the group, they select a president, vice-president, secretary, and treasurer.

Elections

The MCT Constitution and By-laws govern elections for the six reservations. The reservation governing body consists of a chairman, a secretary-treasurer elected at large, and one to three committeemen elected by district. Terms are for four years on a staggered basis with elections every two years. To be elected, an individual must be enrolled in the MCT, reside on the reservation of enrollment, and be 21 years or older. Voting is open to member's 18 years and older. Absentee voting is provided for in the constitution with voters designating the district where they last resided for 30 days or more. It requires a majority, greater than 50%, of the votes to win. This interpretation was accepted by the TEC in 1996 and resulted, for the first time in primary elections, to narrow the field to two candidates. Previously the TEC had ruled that "majority" had meant the one candidate receiving the most votes cast, even though less than 50%.

The Constitution can be revoked by an Act of Congress or amended or revoked by a majority vote of all MCT members at an election called for that purpose by the Secretary of the Interior, provided that at least 30% of those entitled to vote participate. Amendments take effect only if approved by the Secretary of the Interior. A request by two-thirds of the TEC can force the Secretary of the Interior to call an election.

Membership

When the tribal government began in 1936, an Enrollment Committee was established which worked through the Reservation Councils. The Committee prepared the list of who qualified for the annuity roll. This roll, as of April 14, 1941, is the basis of current MCT membership. Those who qualified were on the 1941 membership roll, children of those members born between 1941 and 1961 who applied for membership by 1962, and children of members born after 1961 with at least one-fourth MCT Indian blood (which can be mixed ancestry from the different MCT reservations) who apply within a year after birth. They cannot be enrolled in another tribe and American citizenship is required. While the tribe defines membership, the governing body of each reservation determines its own enrollment, subject to the Tribe's ratification. Denial of membership can be appealed to the Secretary of the Interior. Adoptees that have placed outside of the Indian community can be enrolled without revealing family names.

Bois Forte (Nett Lake)

Bois Forte was the French name for the Indians living in the most impenetrable, fortress-like forest in the Rainy River watershed of Northern Minnesota. They were a part of the northern group of Ojibwe who moved inland from the Grand Portage area in the early fur-trading era going first to the mouth of the Vermilion River, then Rainy Lake, and Lake of the Woods. In 1824, there was mention of a permanent village on Lake Vermilion. Long after United States independence, the Bois Forte continued trading with the British and did not participate in the early United States treaties. In the 1854 Treaty, their first, an undefined reservation was set aside near Lake Vermilion while a large portion of north central Minnesota remained in Indian hands. It was the 1866 Treaty, designed to take control of the northern mineral lands, which took the remaining lands and established the reservation at Nett Lake and a township at Deer Creek. By Executive Order in 1881, a special reserve was created at Lake Vermilion. The reservations lands were allotted following the 1889 Nelson Act, however the government did not make a serious attempt to get the Bois Forte Indians to move to White Earth. Many Bois Forte members share extended families with the Ojibwe in Canada.

The reservation is heavily forested with beautiful stands of pine, aspen, cedar, birch, ash, and other species of timber. It provides excellent wild life habitat. Four independent Indian logging firms do business on or near the reservation. Based on forest types, it is estimated that over 50% of the land is wetland. Nett Lake, covering 7,300 acres, is considered the largest wild rice producing lake in the United States. It is the reservation's most important lake. In 1987, a dam was built to help control the water level.

The Bois Forte Reservation includes three divisions. Around Nett Lake, 103,000 acres in St. Louis and Koochiching Counties, are the homesites to the majority of the population of Nett Lake, Indian Point, and Sugar Bush. An area of some 1,000 acres on Lake Vermilion, located in St. Louis County, and 23,000 acres in Deer Creek Township, located in Itasca County, has no population. Nett Lake is 40 miles south of Canada.

The community of Nett Lake contains the tribal headquarters, a convenience store and filling station, and health clinic. The Nett Lake Education Center combines the elementary school, Head Start, day care, social services, and youth and community center. The elementary school is a state public school, authorized by special legislation. The high school students go to school in Orr.

The Indian community at Lake Vermilion has a family resource center, Ze Zha Wus So, providing day care and Head Start services, family education programs and community services as well as an outpatient health clinic. Fortune Bay Casino & Resort is a high stakes casino that opened in 1986. The 118 room Fortune Bay Resort Hotel and Conference Center opened in 1996 and have Minnesota's largest working fireplace. To accommodate the facilities, major work has been done to develop roads, and a new water and waste system.

The elected Bois Forte Tribal Council governs the Bois Forte Band, a member of the Minnesota Chippewa Tribe. The band's legal jurisdiction is unique. The tribe or the federal government enforces criminal laws, civil jurisdiction is by the tribe and the state. In 1995, the tribal council under the Self-Governance law, contracted with the BIA to administer their own programs. As a participant in the 1854 Treaty ceding the Arrowhead region of Minnesota, the tribe retains hunting and fishing rights through that area. The 1854 Authority handles enforcing tribal codes for the area jointly with Grand Portage. The reservation provides some services for the International Falls Indian community, which include minimal health care with a doctor, and a commodity food distribution program.

Fond du Lac

Fond du Lac was named by the French for the Indian village at the end of Lake Superior, at the mouth of the St. Louis River. In 1665, a Dakota village was located there, according to Jesuit Missionaries. By 1767, Ojibwe were mentioned in the area with a permanent village reported in 1783 by Jean Baptiste Cadotte. Within ten years it had become the North West Fur Company district headquarters. When Astor and the American Fur Company took over the British firm in 1816, they built a new fort and trading post about 20 miles up the St. Louis River, where the current Fond du Lac Reservation is located. In 1820, 375 people lived at the trading post, but by 1832 the trading center had moved inland to Sandy Lake, and Fond du Lac's population declined dramatically to 193 people.*

Fond du Lac people were of the Southwestern Ojibwe that had lived on the southern shore of Lake Superior around LaPoint, Wisconsin, before moving into Minnesota. A part of the Lake Superior Band of Chippewa, the Fond du Lac Band was involved in all of the early treaties affecting lands in Minnesota and Wisconsin. At the time of the 1854 Treaty, its land was ceded and the reservation established. A population of 700 was reported.

The reservation is located in St. Louis and Carlton counties, adjacent to the City of Cloquet on the east, with Duluth 20 miles to the northeast.

The Fond du Lac Reservation Business Committee is the tribal governing body. The chairman and secretary-treasurer are elected at large. The three districts are Cloquet, where tribal headquarters are located, and the communities of Brookston and Sawyer. The reservation is a part of the Minnesota Chippewa Tribe. Criminal and some civil jurisdiction on the reservation was transferred to Minnesota under Federal Law PL-280. Other civil jurisdiction remains with the tribe. In 1997 the tribe was in negotiations to assume control of BIA programs under the Self-Governance Law. Conservation codes are enforced for the reservation and the 1854 Treaty area, by game wardens and courts. The tribe is a participant in the 1837 Treaty case. The tribe has its own automobile license plates. Fond du Lac negotiated the first general revenue bond issued to an Indian tribe for funds to expand their clinic. The tribe charges a license tax on major businesses located on the reservation.

A new building to house tribal government, community sports, and social activities was opened in 1997. There are also community centers at Sawyer and Brookston. The tribe purchased a resort on the reservation with plans to develop a tribal recreation area. Natural resource management has a building located in Cloquet. The human services and health clinic programs operate from the Min-No-Aya-Win Health Clinic. That building had a major expansion in 1996. The health program is tribally run and is contracted from Indian Health Service. The tribe also operates a similar Indian health program in Duluth, through the Center for American Indian Resources (CAIR). The tribally run Fond du Lac Group Home for juveniles is located between Duluth and Cloquet. Sawyer is the location of Mash-Ka-Wisen, the nation's first Indian-owned and operated residential, primary treatment facility for chemical dependency.

The reservation is divided among four Minnesota public schools districts. The tribe has a Head Start program and operates the Ojibwe School, K-12. Transportation to the school is provided for Duluth students. The unique Fond du Lac Tribal/Community College with a 150 bed dormitory is both a tribal college and a state community college.

The Fond du Lac Tribe operates two casinos. The tribe and the City of Duluth cooperated in building and sharing in the profits of the Fond du Luth Casino. It is Minnesota's only casino that was built on land originally not part of a reservation. A deserted block in downtown Duluth was purchased by the tribe and taken into trust by the BIA. After the passage of the National Indian Gaming Act, the state was given a voice in this type of transaction. Fond du Luth Casino is on East Superior St., in Duluth. The Black Bear Casino located at the junction of Highway 210 and Interstate Highway 35, and offers food service, entertainment, and a gift shop. The adjacent 158 room Black Bear Hotel, opened September 1,1995, has a swimming pool, childcare center, and meeting rooms and connects to the casino by a skywalk. The Black Bear Casino and Hotel make the tribe the second largest employer in Carlton County.

Grand Portage

The Grand Portage Reservation, located in Cook County at the extreme northeastern tip of Minnesota, encompasses a historic fur trade site with spectacular northwoods Lake Superior shoreline. The reservation extends about 18 miles along the lakeshore and from nine miles to a quarter mile inland. The community of Grand Portage is the location of the tribal buildings and homesites. Grand Marais is the closest city, 36 miles to the southwest. Duluth is 150 miles to the south and Thunder Bay, Canada is 37 miles to the north.

The name Grand Portage comes from the nine-mile portage necessary to bypass the cascading waters of the Pigeon River to get inland to the lakes and rivers leading to the fur-rich areas of northern Minnesota. By the 1730's the Ojibwe, in their migration along the northern shore of Lake Superior, arrived at Grand Portage. The French record of fur trade over the portage began in 1731. The British took over in the 1760's and the North West Company built the post at Grand Portage by around 1785-87.* Some 150 Ojibwe families lived in the vicinity of the post. In 1803 the British company moved to Canada, Fort William which is now known as Thunder Bay. The Indian community that provided services and trade at the Grand Portage continued working with the British in Canada. The population in America declined. In 1824, Schoolcraft reported 60 people. For a while in the 1830's the American Fur Co. used Indian people to operate a commercial fishing station at Grand Portage. It did not last long. To this day close ties continue with the Ojibwe in Canada since the border often splits extended families.

The Grand Portage Indians were members of the Lake Superior Band but were not participants in the early Ojibwe treaties with the United States. They protested being ignored in the 1842 Treaty when Isle Royale was ceded and they then received annuity rights. In the 1854 Treaty they ceded their lands in the Arrowhead region of Minnesota and accepted the Grand Portage reservation. During the allotment era, no serious attempt was made to relocate the people to White Earth.

The Grand Portage Tribal Council is the governing body of the reservation and is a member of the MCT. In 1996, it entered the Self-Governance Program by contracting to administer its own programs from the BIA. The state is responsible for criminal and some civil jurisdiction. The tribe began a court in September 1997. It collects its own sales tax. The tribe, working with the local residents, the state, and the EPA, established a Land Use Ordinance for the reservation that was approved in 1996. It designates areas according to tribal priorities for wildlife habitat, timber production, and protecting the resources for recreational purposes. A primitive area had been set aside in an eastern portion of the reservation in 1956. The hunting and fishing rights of tribal members in the ceded lands of the 1854 Treaty are regulated under the tribal code and enforced by the 1854 Authority.

The community at Grand Portage contains the tribal headquarters, a community store, and the Trading Post, as well as other tribal businesses. The Gitchi Onigaming Community Center was built in 1994 that offers a wide variety of recreational activities, a swimming pool, a senior center, a teen center, a computer room, library, and powwow grounds. The center also provides services for day care and Head Start programs, which have new facilities that were built in 1994. A log school building has provided the elementary school in Grand Portage since the 1930's. In 1997 a new school for student's K-6th grade was opened and linked to the community center. As a state public school operating under special legislation, the new facility will be leased to the Cook County Public School system. The old school building, the only log school in Minnesota, will become a museum for the tribe. The students go to junior and senior high school in Grand Marais. The community has its own health clinic, ambulance service, and volunteer fire department.

The Grand Portage Development Corporation was established in 1971 to spur education on the reservation. Their most successful operation, is the Grand Portage Lodge and Casino, which opened in 1975. It has provided an ever-increasing source of employment for band members and income for the Tribe. The hotel is located on the shores of Lake Superior, Just off Highway61. It has 100 rooms and conference facilities, an indoor pool, and gift shop. The reservation has over 100 miles of hiking trails, a marina, and campgrounds. The casino opened in 1990, expended in mid-1990. Eighty percent of their customers come from Canada and is the largest employer in Cook County. The tribal sawmill and chipping mill employ about 20. Some of the Indian people work as loggers, and commercial fishermen. Off reservation employment is at Grand Marais and Thunder Bay, Canada.

The Grand Portage area has several other attractions for tourists. The Grand Portage National Monument, built on reservation land, features the reconstructed fur trade fort of the 1700's. The original portage trail to historic Fort Charlotte on the Pigeon River is operated by the National Monument. From the bay, ferries take visitors out to Isle Royale National Park 19 miles out in Lake Superior,

Grand Portage State Park located on the Pigeon River has made the great falls accessible to the public. It opened in 1995. In a unique relationship, the Nature Conservancy and private donations purchased 2.5 miles of land along the river. The state acquired the land, donated it to the tribe, then the tribe leased it back to the state to operate as a state park. The agreement provides that staff positions should be held by those with significant knowledge of Indian culture, preferable knowledge of the Grand Portage Band. (Laws of MN for 1989, Chap 359, Subd 27a, Sect 7-11).*

The 300 year old Manito Geezhigaynce is a twisted cedar known as the little spirit cedar tree is located on the north side of Hat Point on a stone ledge. It has great significance to many generations of Grand Portage Indians and boatmen on Lake Superior. The land with the tree was offered for sale in 1987. A group was formed and \$100,000 was raised to buy the land for the tribe in 1990. To protect their heritage, the Grand Portage Indian community requires that to visit the tree, there must be a tribal guide. The Grand Portage Tribe is a sponsor of the John Beargrease Sled Dog race from Duluth to Grand Portage and back. It is in honor of John Beargrease, a Grand Portage member, who from 1887 to 1899 delivered the mail from Two Harbors to Grand Marais. Depending on the weather conditions, he would hike, come by boat and in the winter by dog sled.

Leech Lake

In the 1600's, the Dakota Indians had communities at Leech lake. The Ojibwe bands moved into the region during the mid-to-late 1700's. The first Ojibwe settlements were on small islands on Leech Lake*. This area in north central Minnesota was the home of the Mississippi and Pillager Ojibwe bands. In 1847, treaties took sections on the southwest corner of their lands with the Mississippi and Pillager bands from the Menominee and Winnebago tribes that were to be moved from Wisconsin. The remaining land was ceded by treaty in 1855 that established the reservation. The 1864 Treaty expanded and consolidated the reservation in the area of the three lakes. The intent at that time was to have the other Minnesota Ojibwe bands move to the Leech Lake area. By 1867, the plan was changed and White Earth Reservation was created to be the home of all Ojibwe people. The area of the Leech Lake Reservation was reduced by executive orders however, in 1873 and 1874 added land.

Located along US Highway2, the reservation is southeast of Bemidji with Walker just outside on the southwest corner. Cass Lake is the largest community within the reservation. Eleven communities make up the reservation. In addition to Cass Lake, there are Ball Club, Bena, Inger, Onigum, Mission, Pennington, Smokey Point, Sugar Point, Oak Point, and Squaw Lake. Oak Point had previously been known as Squaw Point but was renamed in 1995. The reservation is split among four counties, Cass, Itasca, Beltrami, and Hubbard and is divided among seven Minnesota school districts.

Drained by the headwaters of the Mississippi River, the area is generally swampy. With some 40 wild rice producing lakes, it has the largest natural wild rice production of any of the state's reservations. The land is mostly second growth. The Leech Lake Tribe holds the smallest percentage of its reservation of any of the state's tribes. Well over half of the original land is owned by county, state, and federal governments. Of the 677,099 original acres, 212,000 acres are surface area of the three big lakes. Of the remaining 465,000 acres, other levels of government own 332,804 acres. The National Chippewa Forest has the largest portion of the land. Seventy-five percent of the National Forest is within the reservation.

The Leech Lake Tribal Council is the governing body with their offices in Cass Lake and is a member of the MCT. In the early 1990's, the tribe contracted with the BIA to operate programs under self-governance procedures as one of the second groups of ten tribes allowed into the pilot project. The state is responsible for criminal and some civil jurisdiction over Indians on the reservation. The Leech Lake Tribe issues its own automobile license plates.

The smaller communities have facilities for community events and services such as medical clinics and programs for elders. The people have organized their own community councils to give a political voice to their concerns. Health services are provided at the IHS hospital and clinic in Cass Lake and clinics in the other communities. If more extensive care is needed, the hospitals in neighboring cities are used. The tribe operates a halfway house and an ambulance service, however, fire protection is from neighboring communities. In 1995, the tribe began a burial insurance program for all enrolled members.

Education and programs for children are provided by 2 tribally run childcare facilities, Head Start programs in seven communities and the kindergarten through twelfth grade Bug-O-Nay-Ge-Shig tribal school. The tribe sponsors and provides funding for the Leech Lake Tribal College that began in 1990. The college is located in Cass Lake and offers AA degrees with credits transferable to Bemidji State University and other higher education institutions.

In the first major hunting, fishing, and wild rice rights cases in Minnesota, the tribe confirmed that it had the right to control these activities on the reservation. The state pays the tribe for its restraint in using the reservation's resources. In addition the state conservation officers are deputized by the tribe to enforce tribal natural resource codes.

The tribe operates two gaming enterprises. The Palace Bingo & Casino in Cass Lake and Northern Lights Gaming Emporium four miles south of Walker. The Palace has a restaurant and offers many events. In 1996, the Palace Hotel, with 80 rooms and indoor pool, was built adjacent to the casino The casino's have made the tribe the largest employer in Cass County.

For many years the tribe has operated the Che-wa-ka-e-gon complex comprising of a service station, the Che-We restaurant, a convenience store, and a gift shop. A nearby retail center, built by the tribe, houses Indian-run business and provides incubator services until they are successful enough to go out on their own. Included in this service is a pizza parlor, Dairy Queen, a barber shop, and a tribally-run office supply store. An embroidery business was successful enough to move out on it's own in 1995. A motel, restaurant, and marina were purchased by the tribe and are now being run under a lease agreement as Shingobee Inn. The tribe also has an Indian-run archaeology firm, the Leech Lake Archaeological Company. State funding and management arrangements were being made to build the Battle Point Cultural Center near Sugar Point. It is the site of two ancient burial mounds and the last Indian—US Army conflict which took place in 1898.*

Mille Lacs

The Mille Lacs Reservation is located in east central Minnesota. The tribal headquarters is near Onamia, Minnesota. The reservation was established by the 1855 Treaty. The tribe owns approximately 16,000 acres of land located within four townships on the south end of Mille Lacs Lake. Additional communities exist in Aitkin and Pine counties and three islands. The reservations has a community center, schools, clinic, museum, casino/hotel complex and Government Center.

White Earth

The White Earth Reservation, in northwestern Minnesota, is named for the white clay at White Earth Village. Never the historic homeland of any Ojibwe group, it became a reservation in 1867 in a treaty with the Mississippi Band of Ojibwe. It was to be the home of all of the Ojibwe in the state. The reservation was the size of a full county, 36 townships square, although divided among the three state counties of Mahnomen, Clearwater, and Becker. The land is typical of central Minnesota. Indian communities include White Earth, Pine Point/Ponsford, Naytahwaush, Elbow Lake, Beaulieu, Rice Lake, and Ebro. Other villages were built along the railroad track running south to north in the western part of the reservation, Callaway, Ogema, Waubun, and Mahnomen.

With the 1867 Treaty, great pressure was put on the bands to get them to move. Mississippi Band members from Gull Lake were the first group to come and settle around White Earth Village in 1868.* The 1920 census reflected those who had settled in White Earth. 4856 were from the Mississippi Band including 1,308 from Mille Lacs, the Pillager Bands had 1,218, Pembina Band 472, and 113 had come from Fond du Lac of the Superior Band.*

The different bands tended to settle in different areas of the reservation. Mille Lacs Lake members moved to the northeastern part of the reservation, around Naytahwaush and Beaulieau. Pillager Band members settled around Pine Point in the southeast. After 1873, Pembina Band members from the Red River Valley moved into a township on the western side of the reservation. A community of half-breeds, with a greater interest in taking up European ways, concentrated in the Village of White Earth where the government agency was located. These various groups of Indians, with their different backgrounds and cultures, continue to add a diversity of interests to the reservation today.

The Dawes Act of 1887, Nelson Act of 1889 with the subsequent Rice Commission negotiations, and the two Clapp Amendments, 1094 and 1906, enabled the rapid dividing of the reservation into individually held parcels, allowing individuals to sell their lands and with many schemes to defraud. The timber was sold and cut and much of the land quickly passed into non-Indian ownership. In the decades since, there were several commissions and court actions to find out what happened.*

Four townships in the northeast corner also diminished the White Earth Reservation by the Nelson Act. The implications for hunting and fishing rights have had several court challenges. For the loss of the four townships the agreement was to allow White Earth to trap and rice within the Tamarac National Wildlife Refuge. Tribal land holdings were increased by over 28,000 acres of sub-marginal land, acquired by the federal government during the depression, and transferred to White Earth by 1975. The White Earth Land Settlement Act (WELSA) required transferring 10,000 acres of state/county held land to the tribe which occurred in the 1990's. White Earth has relatively very little allotted land still remaining in trust, reflecting the destructive land-grabbing history of the reservation. Enrolled members, however, hold significant amounts of privately owned fee lands, 33,250 acres in 1995. These are lands that pay property taxes, and equal about one-half of the reservation's trust property.

The White Earth Tribal Council is the governing body and the tribe is a member of the MCT. White Earth Village is the location of the tribal headquarters, the IHS clinic, which underwent a five-fold expansion in 1995, the Circle of Life K-12 tribal school, and a senior's housing project and center. Because of the widely scattered settlement pattern on the reservation, government services, social programs, Head Start and day care are provided at four other centers, Nay-tah-waush, Pine Point, Rice Lake, and Elbow Lake. There is an additional Head Start at Waubun and health stations at Nay-tah-waush and Ponsford. Hospitals are in communities off the reservation and at Mahnomen, where the tribe helped with funding equipment.

Seven Minnesota public school districts serve Indian children, Bagley, Detroit Lake, Fosston, Mahnomen, Park Rapids, Waubun, and Nay-tah-waush. The White Earth Community Service Center serves as a recreational building, swimming pool and gymnasium, built as a part of the Nay-tah-waush High School. The center is operated by the tribe and on tribal land which has been leased to the school district. The Pine Point School, K-8, is a part of the state system, that was allowed to become an Indian experimental school in 1969. Under special legislation it is administered by the tribe. Criminal and some civil jurisdiction of Indians is provided by the state. The tribe has a conservation court and is working to develop its own criminal code and enforcement system with police and court enforcement.

The White Earth Reservation is in an area of especially severe continuous unemployment. The Tribe's Shooting Star Casino and Hotel in Mahnomen has been a successful operation and is the largest employer in Mahnomen County. The land had not been in trust, and with the legal confusion about the federal government's ability to accept more trust land, the casino has continued to pay property taxes. There is a 224-room hotel with swimming pool, arcade, entertainment, and a full range of food service options. There is also an RV park. A great deal of investment in infrastructure has been required, expanded water and waste treatment facilities, telephone systems, and highway development.

As a community development project, the Manitok Mall was built as a part of the casino complex. It has shops and day care facilities for those coming to the casino. The tribe has 50% ownership and is due to buy out the remaining 50% by 1998. Managed by the Minnesota Midwest Community Development Corporation, the project had yet to make a profit by 1997. The tribe also owns and operates the Ojibwa Building Supplies and Forest Products in Waubun, retailing wood products and also serving as a reservation job-training center. There are also two other tribally owned businesses and they are the White Earth Garment Manufacturing Co. and the Manitok Wild Rice.

Red Lake

During the French period of the fur trade, the Dakota had a major village at Red Lake. It was around 1796 that the Ojibwe settled along with the British North West Co. and a fur trading post established in 1806.

The Red Lake Band through treaties and agreements in 1863 (amended 1864), 1889, 1892, 1904, and 1905 gave up land but never ceded the main reservation surrounding Lower Red Lake and a portion of Upper Red Lake. This unceded land is spoken of as the "diminished" reservation and "aboriginal" land. It is 407,730 acres. In addition there is 229,300 acres of surface water area on both the lakes.

Tribal leadership during the late 1800's and early 1900's, skillfully resisted allotment legislation and held the land intact for the tribe as a whole. Today the tribe's Independence Day, July 6th is in honor of the courage of their chiefs in resisting allotment during the negotiations of the 1889. Nelson Act. Only one other tribe in the United States also resisted allotment, the Warm Springs Tribe in Oregon. When land that had been ceded but not sold was returned after 1934, this restored land amounted to 156,696 acres. It included 70% of the Northwest Angle of Minnesota, as well as lands scattered between the reservation and the Canadian border. The total land area controlled by the tribe, 564,426 acres, is about the size of Rhode Island. The land is located in nine different counties. The tribe has jurisdiction to regulate hunting and fishing on the original, diminished lands, and the ceded lands that were returned. The remainders of the ceded areas, not held by the tribe, are under state jurisdiction.

The tribal government has full sovereignty over the reservation, subject only to federal legislation specifically intended to deal with Red Lake, which makes it a "closed" reservation. The tribe has the right to limit who can visit or live on the reservation. It has never been subject to state law. The Red Lake tribe withdrew in 1918 from the General Council for the Chippewa, intended to bring all Ojibwe into one tribal structure, and continued to maintain its own identity separate from the MCT. There are many legal and program differences between Red Lake and the other state reservations. The tribe has its own constitution providing for elected officials representing the four reservation areas and a participating council of hereditary chiefs. White the federal government is responsible for major criminal matters, as specified in federal law, the tribe has jurisdiction in all other criminal matters. Its court has full jurisdiction over civil and family court matters. In 1997, the tribe began administering its own programs under a Self-Governance

Contract with the BIA. The police became a tribal responsibility at that time.

The reservation is located in northwestern Minnesota. It completely surrounds Lower Red Lake, the State's largest lake, and includes a major portion of Upper Red Lake, the state's fourth largest lake. Bemidji, the closest city, is 35 miles to the south. Thief River Falls is over 70 miles west. The land is slightly rolling and heavily wooded, with 337,000 acres of commercial forestland under management. There are lakes, swamps, peat bogs, and prairies, with some land on the western side suitable for farming. The main population areas are in Beltrami and Clearwater counties.

The four reservation communities are the villages of Red Lake, Redby, Ponemah, and Little Rock. Red Lake Village is the location of the tribal headquarters, newly built in 1996. The tribal court, the BIA Agency office, Red Lake School, K-12th grades, operates as a regular state public school are located in the village of Red Lake. Other facilities located in the village is a modern IHS hospital, the Jourdain/Perpich Extended Care Facility for the elderly, a center for activities and nutritional program for the elderly, and other community buildings including the Humanities Building which houses the Head Start program, a swimming pool and other recreational and group facilities. The main powwow grounds are in the village.

Redby, also on the south shore of Lower Red Lake, is further east. During the logging era, Redby was the city at the end of the railroad line. A mall amount of Indian land went into private ownership there at that time. Fourteen property taxpayers remain. Redby has a community center and is the site of Red Lake Forest Products, the tribal sawmill, and the Red Lake Fisheries. Association processing plant. The fish hatchery and tree nursery are located in the community as are an adolescent group home and a chemical dependency treatment facility.

Ponemah, near the end of the peninsula separating Upper and Lower Red Lakes, is the home of very traditional members. It has a community center, an elementary school, Head Start, a health clinic, programming for elders, and a powwow grounds built in 1994.

The Little Rock area is to the west of Red Lake. It has a community center and an Indian-owned store. The reservation staffs an ambulance service, a fire department, and sanitation service. It is the first reservation in Minnesota to build an archives-library program to preserve tribal records and historical material.

Employment on the reservation is very limited, resulting in high unemployment rates. Expanding the economic base has high priority. Governmental services provide employment. Timber management, operating a tree nursery for replanting, and logging provide some employment. The tribe operates a sawmill, producing lumber. Red Lake Fisheries Association, Inc., a cooperative begun in 1929, has about 300 fishermen-members, with up to 500 catching fish during the season. They process the fish and fillet them for sale either fresh or flash-frozen. The operation closed for the 1997 season. A farm was purchased on the southwest corner of the reservation in 1994 and the tribe has continued with its paddy rice operation. A pilot project to grow cranberries was started in 1997. Gravel is also sold commercially:

The reservation has its own ambulance service, fire department a, and sanitation service. Their solid waste disposal is at a recycling, incineration facility, SWIScorp, in Thief River Falls. The tribe has a 20% ownership of the operation. Red Lake Builders, tribally-owned, does reservation building, road construction, and other construction work off the reservation. In 1987 the Tribal Red Lake Retail Center was built in Red Lake village. It offers needed services. Indian-owned stores sell groceries gasoline, auto parts and repair, hardware, a take-out food shop, laundromat, and video store. There is also a retail center at Ponemah with groceries and gasoline.

The tribe has three casino operations, built on trust land funded and managed by the tribe. There is a modest operation in the Humanities Building in the village of Red Lake. River Road Casino, located seven miles south of Thief River Falls just off of Highway59, has 13,000 sq. ft of gaming, 10 blackjack tables, 279 slots. Lake of the Woods Bingo & Casino are at Warroad with 16,000 sq. ft of gaming, 10 blackjack tables, 270 slots other video games and bingo. Each has food service. The tribe purchased and operates the Lake of the Wood Motel, a 60-room facility with a restaurant, a bait shop, and a launch service adjacent to the casino. Because of the very limited housing available in the area, the tribe has purchased two apartment houses for employees. With tribal support, a member was seeking approval in 1997 of a FM 100,000-watt radio station to serve the reservation.

The Dakota Communities

A few Dakota did not leave following the 1862 war. Most had fled or were taken as prisoners and were on reservations in Nebraska (Santee), South Dakota (Flandreau, Sisseton), North Dakota (Devils Lake), Montana (Fort Peck), or escaped to Canada.

By the 1880's, a few Mdewakanton Dakota Indians had returned to their homelands. A special census in 1883 counted 237 scattered throughout southern Minnesota at 14 different locations. By the mid-1880's the federal government was being urged to do something to provide homes for these people, primarily Mdewakanton Dakota. A federal law was passed in 1885 to provide some money for the purchase of land for those who had been in the state by October 1,1883. More money was appropriated in 1885. In 1888 the date of residency in Minnesota was raised to May20,1996 (25Stat228), and additional money was made available in 1889 and 1890. Most of the current trust land was added under the IRA in the 1930's.

Lower Sioux

The Lower Sioux Indian Community is located on the south side of the Minnesota River at the site of the U.S. Indian Agency and the Bishop Whipple Mission, a past of the original reservation established in the 1851 Treaty. It is in Redwood County, two miles south of Morton and six miles east of Redwood Falls. Across the river is the Birch Coulee battle site of the 1862 Sioux War. The Community for purposed of determining membership and qualifying for some services has a service area 10 miles beyond the actual trust lands.

In the 1883 census, six families were reported at Redwood. Good Thunder came from Flandreau, South Dakota and in 1884 purchased 80 acres at the Lower Sioux community. Charles Lawrence bought the adjacent 80 acres. Within a few years a little colony joining them including a few other Dakotas who had been able to survive in Minnesota, protected by Alexander Fairbault.* A 1936 census report 20 Mdewakanton families, 18 families from Flandreau, South Dakota, and one Sisseton, South Dakota, family.

The land is primarily rich agricultural land in the river flood plain and the wooded bluffs behind. The community, built on the hillside and uplands, centers around the tribal offices, a new community center, Tipi Maka Duta (the Lower Sioux Trading Post), and St. Cornelia Episcopal Church built in 1889 and now on the National Register of Historic sites. St. Cornelia's is built on land donated by Good Thunder. It has been the recent site of reburials of Kaota people whose remains had been held by museums and universities. The Minnesota Historical society has an interpretive center in the area, explaining the 1862 battles.

The Lower Sioux Community Council is elected and operates under an IRA constitution. The state exercises criminal and some civil jurisdiction on the reservation. The tribal court was organized in 1993. It deals with civil cases including contract law and workers' compensation cases as well as tribal governance matters. Social programs and community health services are administered by the tribe, funded by various governmental programs and the tribe. Tribally funded health insurance policies cover the medical costs for resident members as well as tribal and casino employees. Redwood Falls and Wilmar hospitals are used.

Redwood Falls is the public school for the community Indian children. In response to parental concern about their children's education, and Indian-focused charter school was formed at Morton. In 1997 there wee questions if the school would continue. The tribe provides financial help to any member wishing to get further education beyond high school.

Until the mid-1980's the tribe had very limited funds and there were hardly any opportunities for employment on the reservation. Government programs, operation by the tribe, were the major employment. Since 1972 the tribe has been manufacturing hand thrown, hand painted, traditional Dakota pottery. This still continues and is sold at Tipi Maka Duta, the Lower Sioux Trading Post along with other gift items. The tribe gets a little revenue from leasing a gravel pit.

A major bingo facility, Jackpot Junction opened in 1984. Building on this, it was expanded to a casino on the signing of the state compact in 1989. The tribe then went to court to force another state compact allowing blackjack. A management firm and later a consulting firm were used to start operations and then the tribe took over. Jackpot Junction casino has 57 blackjack tables, 1,200 slots and other video games, offers a variety of food services and has nightly entertainment. A gas station and convenience store built in 1991 are adjacent to the casino. The tribe owns the nearby Dakota Inn Motel with 122 rooms and swimming pool, have a RV park and a six-story hotel with convention center was built in 1996.

Prairie Island

The Prairie Island Indian Community is located on Prairie Island, which is formed as the Vermillion River joins the Mississippi. It is about 14 miles from Red Wing with Welch the mailing address. The land is low-lying and about half of the community property is in the flood plain. The island is shared with Northern States Power Company's nuclear electric generating plant and the US Army Corps of Engineers' US Lock and Dam No.3.

Long before the Europeans came, the island was important to the Dakota people. In 1695 Pierre Charles LeSueur established a fort on Prairie Island. After the disruption of 1862, several Mdewakanton Dakota families gradually returned. In the 1883 census, only two families were reported at Red Wing. Under the land purchase laws of the 1880's-1890's, and again under the IRA, land was acquired for the community.

The Prairie Island Community Council is a member-elected government. The state has responsibility for criminal and some civil jurisdiction. The Prairie Island Mdewakanton Dakota Tribal Court was established in 1994. It rules on tribal law and sovereignty issues and exercised broad civil jurisdiction including children's cases and imposing garnishment of wages. The City of Red Wing, without tribal consent, incorporated Prairie Island in their city. This enabled them to collect taxed from the NSP facility.

Treasure Island Resort and Casino is the tribal casino. It was expanded to 153,000 sq. ft in 1993 and a 250-room hotel and convention center, costing \$20 million, opened in 1996. The casino is designed as a tropical paradise with warm humid breezes and a forty-foot wall waterfall. It provides 60 blackjack tables, 1,500 slots, a variety of eating options, live entertainment, a RV park, a 137 slip marina to accommodate visitors arriving by the Mississippi River, and sightseeing and dinner cruises on the river. Treasure Island had begun as a bingo operation in 1984. The original investor and management company was bought out and a subsequent management firm was terminate, from 1990 the tribe has managed the casino itself

Casino profits have been reinvested in the expansion and have been used for roads and water and sewer systems. A community center, built for \$6.5 million, provides a meeting area, kindergarten, licensed day care and facilities for tribal government. Students attend the Red Wing School District. The tribe's educational programs include financial support for advanced education. Programming and congregate dining for the elders is at the casino. A health clinic funded by the tribe and IHS bring Mayo Clinic, Rochester, family physicians to the reservation two and half days a week. Tribally paid health insurance provides coverage to tribal members as well as casino employees. The nearest hospital is at Red Wing.

Living next to an atomic energy power plant that has needed to find storage for radioactive wastes has been very difficult for the Indian community. The tribe needs more land, as members are anxious to return to their homeland find employment. The presence of the nuclear fuel has made many members fearful and families with young children are not willing to move to the reservation because of possible health effects from radiation exposure.

Shakopee Mdewakanton

The Shakopee-Prior Lake area was historically home to Mdewakanton Dakota. After the removal in 1862-63, families gradually returned in the 1880's. In the 1883 census, there were 11 families, 47 individuals at Shakopee. Under the land purchase laws of the 1880's-1890's, land was acquired for community members. In 1936 when the Dakota communities were forming IRA approved government, the Shakopee Mdewakanton group was considered to small to form a separate government was included in the Lower Sioux. No land was added at that time. In 1960, the BIA counted ten Indians. In 1967, there were 4-5 families.

Although the 258 acres in trust was undeveloped, rolling farming lands, the location was close to the Twin Cities, 25 miles from downtown Minneapolis, and provided desirable home sites for people. In 1969 the community organized as a separate government with nine members voting on the new constitution. Shakopee Mdewakanton Sioux community is in Scott County, just south of Shakopee on Highway833. In 1972, the city of Prior Lake incorporated the reservation into that city. When the city attempted to deny services and voting rights to the Indian residents (because they did not pay property taxes, the court ruling, upheld by the US Supreme court, was that this was illegal.

The governing structure of the community is unique. All members over 18 constitute the tribal council. They in turn select a business council to run the reservations affairs. By the 1970's, tribal leaders began taking advantage of the community's power to govern their own lands. Early enterprises included providing tree burning services, which wee not allowed in Minneapolis, selling cigarettes without paying state taxes, and In October 1982 Little Six Bingo Palace, offering big bucks bingo, was opened. Gaming became an unbelievably successful business. Following federal legislation clarifying legal issues and the state-tribal compacts that followed, the complex known as Mystic Lake was developed. It is the second most financially successful Indian casino operation in the United States with over 18,000 customers every day.* The casino originally involved outside investment and management, but since 1985 it has been tribally owned and

administered. The tribe has delegated all financial operations to Little Six, Inc. which operates the casino and manages other investments for the tribe

Upper Sioux

This land we call Pejuhutazizi Kapi (the place where they dig for yellow medicine) has been the homeland of our people, the Dakota Oyate (Nation), for thousands of years. We have always occupied this area bordering the Minnesota River Valley, with the exception of a short period of time in the late 1800's following the U.S./Dakota Conflict of 1862. At that time, the Dakota were exterminated, forcibly removed to reservations located elsewhere, or voluntarily fled to avoid harm.

Many Dakota died during those difficult years. Some of those who survived the forced removal defied the state and federal governments by not remaining on the assigned reservations located outside of Minnesota, but rather chose to return to our ancient homelands in the Minnesota River Valley.

In 1938, 746 acres of original Dakota lands in Minnesota were returned to our people, and the Upper Sioux Indian Community came into existence. Provisions for governing the Upper Sioux Community were adopted, and a Board of Trustees was elected to carry out the responsibilities identified in these Provisions. In 1995, the provisions were modified and the governing document is now called the Constitution of the Upper Sioux Community.

Since its formal designation as an Indian community, Upper Sioux has struggled with poverty, substandard housing, inadequate health care, and the subtleties of racism. Tribal leaders continually strived to improve the standard of living and the quality of life on the reservation. The population was small, and Upper Sioux's share of program monies from the federal government was minimal, yet elected tribal leaders still managed to provide "bare-bones" programs in housing, health care, and education. Through the 1970's and 80's, conditions improved very little, despite many vocal supporters, both Indian and non-Indian, and we continued to struggle for survival on our small tract of land along the Minnesota River.

By the late 1980's, the legal standing of tribes as sovereign nations had been acknowledged in the highest federal courts. In 1990, following these court decisions, the Upper Sioux Community did as many other tribes had done--we exercised our rights as a sovereign nation to capitalize on a financial opportunity by building and opening Firefly Creek Casino.

In the years since, our business has helped to revitalize and energize the Upper Sioux Community, allowing us an opportunity to obtain economic independence. We are finding ways to preserve our dignity, our culture and our traditions, free from the burden of meeting basic survival needs.

The Reservation tribal headquarters is located five miles south of Granite Falls, Minnesota, on the Minnesota River in Yellow Medicine County. The Upper Sioux community came into being about the same time as the other Minnesota Sioux communities. Land purchases amounting to 746 acres were made in 1938, but the Upper Sioux Community did not complete organization under the Indian Reorganization Act.

The Bureau of Indian Affairs set up a Board of Trustees to advise the agency superintendent on the use of rehabilitation funds. This group operates under a document entitled The Constitution of the Upper Sioux Community. The governing body is known as the Upper Sioux Community Board of Trustees, consisting of five members elected to four year staggered terms who represent the community when negotiating with federal, state, and local governments.

Demographics

The State of Minnesota has the twelfth largest American Indian population in the country. According to the 1990 census, the Minnesota American Indian population totaled 49,909. This data shows a 36,6% percent increase since 1980.

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

The Bureau of Indian Affairs (BIA) most current Labor Force report (1993) shows an increase in all reservation populations. (NOTE: The 1995 report was not available at time of printing.)

American Indian Population on Reservations: 1980, 1990, 1993

Reservations	1980*	1990*	1993**
Boise Forte	392	346	1,926
Fond du Lac	<i>5</i> 14	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	1386 Paris 56 12 18 18 18 18 18 18 18 18 18 18 18 18 18	176
Red Lake	2,823	3,602	5,087
Shakopee-Mdewakanton		153	230
Upper Sioux	51	43	169
Vermillion Lake	103	87	not listed
White Earth	2,554	2,759	4,395
Total	<u>9,898</u>	<u>12,402</u>	22,193

*Source: U.S. Census

Counties with American Indian Population of 1,000 or more — 1990Census

	1980 199	0
Hennepin	10,479	2
Beltrami	3,917	IJ.
Ramsey	2,993)9
St, Louis	2,815	
Cass	1,895	/3
Anoka	1,86	55
Carlton		7
Mahnomen	1,003 1,19	<u>33</u>
		j.
Total	25,032	12

^{**}Source: Bureau of Indian Affairs Labor Force Report

United States Resident Population Census

Total American Indians and Alaskan Natives

Year	<u>Total</u>
1980	1,420,000
1990	2,065,000
1991	2,107,000
1992	2,142,000
1993	2,177,000
1994	2,210,000
1995	2,226,000
Projected*	
2000	2,380,000
2005	2,543,000
2010	2,719,000
2015	2,904,000
2020	3,090,000
2025	3,278,000
2050	4,346,000

^{*1995} Statistical Abstract of the United States, based on "Middle Series Projections".

"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 governed 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

Through treaties, agreements and court decisions, American Indian tribes have the power to make their own laws governing internal matters and 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 when entering into agreements with tribal governments. Minnesota Statute Section 16B.06, subdivision 6 provides the following:

"Not withstanding 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."

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

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 strengthen and protect the rights of the American Indians. This trust responsibility is based on the unique political status of American Indians as provided by 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 American Indian people is a primary objective of the Minnesota Indian Affairs Council.

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 to 15% of all out of home placements.

Poverty

In 1990, 12% of all children living in the state of Minnesota lived in poverty. Of the American Indian children, 55% live in poverty compared to the 50% of African American children, 31.7% of Asian/Pacific children, and 25.6% of Hispanic children. Most American Indians in Minnesota have less than half the income of white households with 43.7% of the American Indians living in poverty.

The U.S. Census data also indicates that Minnesota's Indian people are worse off than minorities living elsewhere in the nation. The median income of Indians in Minnesota is \$16,983 compared to \$34,466 for white residents. The employment rate for Indians is 49.3% versus 73.3% for whites. High school graduation rates stand at 68.2% for Indians, 82.8% for whites. These divergent statistics prompted the Minneapolis Star-Tribune to report in their July 24, 1992 issue that "... by the measures of poverty, income, employment and education, American Indians lagged behind every other racial group living in the state".

Historically, Indian tribes have maintained a direct relationship with the federal government due to their unique legal and political status. Until the early 1970's the federal government controlled and managed tribal resources and affairs. Tribal efforts to improve conditions for American Indian communities resulted in the passage of the Indian Self-Determination and Education Assistance Act of 1972 (P.L. 92-638). This initiative and the changes in federal Indian policy it produced have greatly enhanced the scope and abilities of tribal governing bodies to control their own destinies.

Current development in federal domestic fiscal policies is increasing this disparity. The denial of tribal communities of the funding they need to overcome the centuries of deprivation, poverty, and neglect, has left them the poorest of the poor. The future progress in alleviating poverty;

meeting the health and educational requirements; and fulfilling the economic needs of the American Indian people will depend upon state funding of these programs.

Education

Over the years, comparison of the school 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. The percentage of students entering colleges and universities in 1988-90 indicated that American Indians were .8% of the total enrollment in all collegiate institutions in the state.

Employment

The 1990 state unemployment rate was 4.8% compared to the United States unemployment rate of 5.5%. The unemployment for American Indian males is at 22% and 16% for females. In 1980, the percentage of American Indians living below the poverty line was 30.1% compared to 8.9% for whites, 26.6% for African Americans, 25.6% for Asians, and 18.2% for Hispanics.

The State of Minnesota employs more than 39,000 people and approximately 5% of that number represent African Americans, American Indians, Asian Pacific Islanders, and the Hispanic populations.

The calculations of the 1996 annual average unemployment rates for each of the Indian reservations is based upon census-shared methods using the 1990 census data for the counties and reservations. Note that the population figures on the 1990 census calculations are for persons 16 or older and are not used in the calculations. This information was obtained from Minnesota Research and Statistics.

1996 Average Unemployment Rates for Minnesota Reservations

Reservation	<u>Rate</u>
Boise Forte	19.1%
Deer Creek	5.2%
Fond du Lac	12.3%
Grand Portage	11.6%
Leech Lake	13.3%
Lower Sioux Community	10.0%
Mille Lacs	3.5%
Minnesota Chippewa Trust	0.0%
Prairie Island	50.0%
Red Lake	17.7%
Sandy Lake	0,0%
Shakopee-Mdewakanton	6.1%
Upper Sioux	0.0%
Vermilion Lake	35.3%
White Earth	11.0%

Source: Department of Economic Security/Research and Statistics

Chemical Dependency

Chemical dependency is not only an on-going concern of the Minnesota Indian Affairs Council, but the nation as a whole, as all fifty states have passed DWI laws. The Chemical Dependency Program Division of the State of Minnesota works cooperatively with the MIAC to provide programming funds to treat chemically dependent American Indian patients.

Other Issues

The Indian Affairs Council continues to advocate for American Indian people on issues of concern that affect our communities both urban and rural. Human rights, discrimination and ongoing racism are a continuous concern. Targeted health issues including services for the elderly, homelessness, HIV/AIDS information and prevention, teenage pregnancy, smoking cessation, violence, alcohol and drug abuse.

Violence

According to 1990 statistics, American Indians between the ages of 1 and 4 years are four times as likely to die from accidents than whites. Between the ages of 5 and 14, they are 2.3 times more likely to die from accidents than whites. Between the ages of 15 and 24 they 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, compared to 1.7 deaths per 100,000 for whites. Hospital and police records indicate that the above numbers will increase, as more health organizations become aware of their reporting responsibility when violence is involved.

Crime

Latest studies conducted by various organizations and state agencies reveal that American Indians in Minnesota are 10 times more likely than white Minnesotans to be in prison: and approximately 99% of all offenses committed by Indian offenders were done while under the influence of alcohol and/or drugs.

Indian Affairs Council Specific Programs

Cultural Resource Program

The Minnesota Indian Affairs Council and the State Archaeologist has a legal responsibility to monitor and enforce laws that protect American Indian human remains and associated burial items. Cemetery sites are protected under the "Private Cemeteries Act" (M.S.307.08).

The responsibilities under the law include rescue, identification, and reburial of human remains. The Indian Affairs Council reviews archaeological license applications to conduct fieldwork to determine if cemetery sites are within a project area.

Minnesota Native American Reburial Project (MNARP)

MNARP began in fiscal year 1991. Special legislative funding was issued to the Minnesota Indian Affairs Council. The purpose of the project was four-fold:

- 1.7. To identify American Indian human remains currently residing in the collections of various institutions in the state.
- 2. To create an inventory and database of all available information (reports, notes, references sites, etc.) regarding American Indian human remains and associated burial items previously exhumed in the state.
- 3. Identify individuals and prepare the human remains and burial items for reburial.
- 4. Arrange reburial ceremonies.

Throughout history Minnesota has been a travel route for a number of Indian tribes passing through or settling here for short or long periods of time. 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. Some of these remains have been stored in various institutions throughout the state. The first objective 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 the remains are re-interred as soon as possible to their appropriate locations.

Native American Graves Protection and Repatriation Act (NAGPRA)

Federal law "Native American Graves Protection and Repatriation Act" (NAGPRA), public law 101.601, helps to enforce the Indian Affairs Councils responsibilities to protect Minnesota Indian burial sites and return Indian human remains and burial goods to their rightful tribal affiliations. The purpose of this federal law is to return certain object to tribes, which should never have left those tribes. These four (4) categories include the following.

- 1. Human remains and associated grave goods
- Unassociated funerary objects
- 3. Sacred objects that could be used by traditional religious practitioners
- 4. Objects of cultural patrimony (i.e., medicine drums, etc.).

Because of the Federal Law (NAGPRA), Minnesota's large-scale reburial of American Indian remains has currently been halted to focus efforts toward completing the required federal inventory of all human remains currently held by the Minnesota Indian Affairs Council and contacting probable descendant populations. MIAC submitted a proposal to the U.S. Department of the Interior, National Park Service, for \$72,000 to complete the responsibilities mandated by NAGPRA. The grant was awarded and the funds were received by the MIAC in November 1996, to complete inventory of the remains as estimated 1,100 individuals.

The NAGPRA inventory/data base has been completed and determination of cultural affiliation when possible. The last step of the process is public notification. Tribes, individuals, tribal organizations or institutions may request remains. The Indian Affairs Council has consulted with the eleven tribes from Minnesota, as well as sixteen other tribes from outside of Minnesota. We have received requests to repatriate from the Dakota communities and in May 1998 the IAC returned the remains of 338 individuals for reburial.

In January 1988 the Indian Affairs Council testified in front of the NAGPRA Review Committee in Washington DC. Chairman Dallas Ross testified before the committee and requested that the Minnesota Indian Affairs Council be allowed to repatriate the culturally unaffiliated remains. This collection represents approximately 1,400 people and remains. MIAC is waiting authorization from the National Park Service to return these remains to the rightful tribes.

Two sites where human remains were accidentally unearthed were returned to the Dakota community. A gravel mining operation in Cass County uncovered the remains of five individuals were rescued and reburied in the City of Bloomington, on a corporate construction the remains of eleven individuals were encountered and reburied on site.

The primary focus of the Minnesota Indian Affairs Council will be to inform and educate the public about the law; the proper handling and protection of American Indian remains; and proper procedures to follow when sites are accidentally uncovered or discovered.

"I'M GOING HOME" Sacred dreams not long go came to past Camp fire burning, Ancient Ones lying on buffalo robes Voices in the morning daybreak hours saying four time "I'm happy, I'm free, I'm going home" 3000 years ago our ancestors were buried Laid to rest in a ceremonious way with prayers, songs and tears Mother Earth embracing Holy People long time past Eventually, thirteen burial mounds would be disturbed and violated An initial violence that in time will heal - in time Dakota Warriors keeping with tradition since the beginning of time "We're coming after you, Holy People you're going home" No more dishonor, no more disrespect, no more research, no more boxes, drawers and concrete buildings Time has come for that last trip, back to the Red Nation People Back to sacred Mother Earth Raindrops welcomed everyone, cleansing Mother Earth Eagle staffs, ribbon shirt horse back riders, horse drawn wagons, Spiritual leaders, Warriors and Eagles leading the way, Women and children waiting at the camp It is a good day to be Dakotal Firekeepers tended sacred fires throughout the days and sleepless nights Dakota people, youth to elderly, far and near gave sweatlodge prayers of peace, unity and healing giving validity to a sacred an historic event Dakota women wrapped the ancient bones in red felt bundles Smudging them with sage, cedar and sweetgrass prayers Dakota tears honored and dignified these sacred bundles Spirit winds of the four directions gave their blessing Our Dakota Nation gathered in unity for the reburial of our ancient relatives That unity is now the custodian of our hopes The profound spiritual experiences of the individual Involved is a blessing all received Our stories of the reburial will last forever Our spirit relatives have journeyed from a faraway time At last coming home with honor to sacred Mother Earth once again No words can explain what was witnessed, experienced or felt, But all understanding that a sacred, powerful and spiritual event was unfolding before us, etched deeply in our minds and souls, Cherished memories that will last a lifetime Yes, we remember, we came from the Holy People Ancient Ones of long ago Rest in peace You are now happy Your are not free You are now going home... Dedicated to our future generations of Dakota people Jake Thompson 29 May, 1998

Indian Business Loan Program

Legislation establishing the Indian Business Loan program provides Minnesota-based Indians with a percentage of the financial resources needed to start or expand a business enterprise in Minnesota. Funds are derived from the \$.40 an acre taxation of severed mineral interests held by individuals, corporations or organizations in Minnesota. Twenty percent (20%) of the tax, or \$.08per acre, is remitted by the counties and deposited with the State Treasurer's office in a special revolving loan fund designated as the "Indian Business Loan Account," and administered by the Indian Affairs Council. Approval or rejection of most loan applications is the responsibility of the Tribal Council where the applicant is enrolled.

When an eligible Indian applies for a business loan, the application is forwarded to the Indian Affairs Council for review of appropriate documentation. This includes signed copies of two years' filed tax returns of the applicants and of the existing business, revenue and expense projections, cash flow statements and a good business plan which must show a reasonable chance for success. The application is then sent to the appropriate tribal council. If the loan is approved, the application is returned to the Indian Affairs Council for completion of the loan process. Most reservations will fund up to 25% of the total project cost and applicants must have at least 5-20% equity to inject into the project. Other financing must be approved and in place before funds are disbursed.

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 aside for this purpose.

Regular loan officer duties include the following activities/responsibilities

- providing technical assistance to applicants and other business-related personnel in the completion of loan applications and evaluating and monitoring their business loans;
- reviewing and interpreting financial information relative to loan viability and guarantors as indicated by contracts with Tribal Councils and in accordance with MN §116J.64;
- insuring all applications for business loans are prepared and completed according to applicable law and agency policy and with the Tribal Council's loan plan;
- insuring that all legal documents pertaining to the loan agreements are prepared in the proper format and filed with the proper agencies;
- maintaining a portfolio on all relevant financial information and correspondence records in accordance with MN §116J.64 and Agency policy;
- preparing summaries of loan transactions and payments and submitting them to Director and Board of the Indian Affairs Council;
- maintaining records of delinquent loan accounts and implementing procedures to keep loans in current status;
- being familiar with state, federal, local, and outstate loan programs and procedures;
- maintaining all loan transactions in accordance with established financial procedures and methods;

- working with appropriate personnel and Tribal Councils to assure compliance with provisions of approved loans/contracts;
- arranging meetings and site visits with clients and providing technical and management assistance, when requested, to organizations, clients and public/private sector.

In Fiscal Year 1997, the mineral tax collected and deposited into the Indian Business Loan account totaled approximately \$132,665, while loan payments returned approximately \$53,528.74 to this revolving loan fund.

The first Indian business loan was approved in June of 1981. To date, 92 designated loans have been made totaling \$1,972,773 in loans provided to Indian businesses in the state. These monies have a wide ranging impact in terms of the types and number of businesses that are assisted, both on and off the reservation.

Indian Economic Opportunity Program

The Indian Affairs Council maintains an annual interagency agreement and funding grant for the Indian Economic Opportunity Program through the Department of Children, Families and Learning. This program provides information and technical assistance to Indian Reservations in Minnesota.

The Community Services Block Grant provides federal monies each year from the Department of Children, Families and Learning to the Minnesota Indian Affairs Council for this position. This grant provides funds for the Economic Opportunity Program Specialist to provide information and technical assistance for a wide range of programs and activities that impact causes of poverty in the reservation communities. The interagency agreement enhances the Council's relationship with tribal governments to promote understanding of programs, identify problems, and recommend solutions so that established objectives of the respective programs are accomplished.

Contracts and allocations for the various programs are awarded to the eleven reservation tribal governments based on the 1990 census count. For some grant awardees, base funding is also provided for administrative services. In most instances grant awards do not begin to meet the needs of most reservations. For this reason, coordination of grant planning among Community Service administered grants is essential. Grants include Community Services Block Grant (CSBG), Minnesota Economic Opportunity Grant (MEOG), Head Start Program (HS) and Head Start Program.

The Reservation Tribal Council grantee is required to submit a work plan/budget, prioritized goals and objectives based on a community needs assessment. A coordination plan describing collaborative approach with area service providers and how it will impact the low income people progress geared toward self-sufficiency. Each grantee is responsible for providing a range of services and activities consistent with goals and objectives of the Community Service Block Grant. Economic Opportunity Programs follow federal regulations, instructions and policy performance standards. State agencies develop plans to most effectively monitor the programs in the most efficient and accountable manner.

Activities

This is the 16th year the Community Services Block Grant has funded the position of Economic Opportunity Specialist 3, this employee maintains work hours at the Indian Affairs Council's office in Bemidji as well as office hours at the Department of Children, Families and Learning in St. Paul.

The Economic Opportunity Program Specialist reviews grantee files, progress reports, client reports, audit reports and ensures that cash requests and Financial Status Reports are submitted in a timely manner. Assurance that base documents are on file for continued grantee eligibility, contract compliance and training of new staff. Telephone contact on a regular basis assists grantees in providing updated relevant material needed for continued activity.

Goals and Objectives of the Indian Economic Opportunity Program

Each reservation government determines what program activity must be accomplished to meet the needs of low-income residents. Coordination of grant planning is essential, as is the mobilization of supplemental resources. Site visits to monitor contract status of current contracts is required and verification that each grantee is progressing successfully.

This past year has experienced several changes in the EOG grant application. Those changes include mission statements, needs assessment, agency goals and strategies, measurable results, coordination plan, collaboration and evaluation process and how it will affect future planning. The Department of Children, Families and Learning office will continue working to support efforts to enhance information and communication among all grantees.

Continuation of this program is dependent on federal funds and the needed support from the Department of Children, Families and Learning.

Special Programs

While participating in a number of separate programs 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 a database for information regarding Indians, the IAC is called upon to participate and/or initiate a variety of activities and programs for the overall benefit of Indians in the state, which often fall into a 'Special projects' category. These projects are often funded for no more than one year. They are considered short term in duration and therefore are not housed within the umbrella of the Indian Affairs Council. The Indian Affairs Council is also called upon to enter into interagency agreements with other state agencies in order to develop activities or programs that will benefit the Indian community.

Other state agencies and legislators often initiate these "Special Programs". The Indian Affairs Council acts as a incubator for these special programs. It provides administration and financial services, thereby making it possible for smaller projects to begin establishing identities of their own. The Indian Affairs Council is thus able to implement programs based on their merits as a group or organization. Examples of these activities are the following programs.

1. Study Of Minnesota Criminal Justice: In fiscal year 1996 the Minnesota Planning Office transferred \$9,000 to the Indian Affairs Council to perform a statewide crime and justice survey analysis and evaluate the results as it relates to the attitudes of the American Indian community.

This study was done in parallel with similar community survey efforts performed by the other three Minnesota Minority Councils.

The primary objective was to gather information from focus groups concerning American Indian attitudes about crime and justice from and for the benefit of the Indian communities.

The major tasks were to:

- Develop strategy to contact Indian community leaders/service providers and individuals
- Recruit Indian leaders in three urban sites and one reservation site
- ♦ Develop focus group strategy
- Provide operational services for focus group
- Analyze focus group results
- Develop report and evaluate process

2. A \$15,000 Federal subgrant was negotiated and received from the Department of Human Services. This funding was to develop a long-range comprehensive plan for the delivery of chemical health services for American Indian youth and families in Minnesota by holding a series of meetings in the various Indian communities throughout the state.

The committees developed and facilitated a process for planning, established policies and procedures, and made recommendations regarding long term planning. The eight meetings that were convened identified many chemical health issues and made recommendations regarding prevention, treatment, women's issues, health care reform, and the cultural relevancy to American Indian people.

Indian Affairs Council

Budget: FY 1998

Direct Appropriations: General Fund 100

<u>97,000</u>	Operating Expense and Travel		
399,000*			
10,000*	Per Diem and Travel		
49,000	Operating expense – Bemidji		
65,000	(M.S. 307.08)		
<u>114,000*</u>	시마시아(M. 1년) 등의 하는 기본 경기 등의 기원 (기원 경기 등 기원 등 기원		
\$523,000*	(488 + 35* = 523)*		
50,000	Staff salary and travel		
950,000			
60,000	Staff Travel		
72,860	Inventory, Identify and Bury		
350.000	Design of Site		
\$2,005,860			
	399,000* 10,000* 49,000 65,000 114,000* \$523,000* 50,000 950,000 72,860		

*Note: the additional \$35,000 allotted to the Agency by the Legislature was divided between the Council and Burial accounts.

Laws of 1997, Chapter 200, Article 1, Section 23:

General Fund Appropriations approved for the Indian Affairs Council for FY 1999: \$535,000

State of Minnesota

2000-2001 Biennial Budget

(Dollars in Thousands)

	ACTUAL	ACTUAL FY 1998	BUDGETED FY 1999	FY	2000 AGENCY	FY	2001 AGENCY	BIENNIAL 2000-01 G	CHANGE 0v/1998-99
AGENCY SUMMARY	FY 1997	Г 1. 1996	11 1999	BASE	REQUEST	BASE	REQUEST	Dollars	PERCENT
EXPENDITURES BY PROGRAM:	500	020	0.00	811	811	826		(51)	-3.0%
INDIAN AFFAIRS COUNCIL TOTAL EXPENDITURES	728 728	820 820	868 868	811	811	826	826	(51)	-3.0%
TOTAL EXPENDITURES	720	020	300						
FINANCING BY FUND:									
DIRECT APPROPRIATIONS:			(m)	ee,	651	567	567		
GENERAL	513	554	654	551	551	567	307		
STATUTORY APPROPRIATIONS SPECIAL REVENUE	74	192	81	198	198	199	199		
FEDERAL	141	74	133	62	62	60	60		
TOTAL FINANCING	728	820	868	811	811	826	826		
하고 있는 물론 시대를 받았다.		M. 300							A STATE
FTE BY EMPLOYMENT TYPE:	7.1	8.0	8.0	8.0	8.0	8.0	8.0		
FULL-TIME TOTAL FULL TIME EQUIVALENT	7. i.	8.0	8.0	8.0	8.0	8.0	8.0		

Hickerson, Chippewa of Lake Superior, pp 77-78.

Alan R. Woodworth, Research Fellow, St. Paul, Minnesota Historical Society, "An Historical Study of the Grand Portage, Grand Portage National Monument, Minnesota", 1993 (draft), pp. 117-118.

Grand Portage State Park, Management Plan, August 12, 1992, Grand Portage State Park Advisory Committee.

Harold Hickerson, The Chippewa and Their Neighbors, A Study In Ethnohistory., Prospect Heights, IL: Waveland Press, Inc., 1988, p. 71.

Diedrich, Mark., "Chief Hole-in-the-Day and the 1862 Chippewa Disturbance: A Reappraisal", Minnesota History, MN Historical Society, Spring 1987: pp. 193-203.

(Folwell, Vol. 1, p. 68,104, 173).

For the detailed story of the Mille Lacs Band" history see Roger and Priscilla Buffalohead, Against the Tide of American History: The Story of the Mille Lacs Anishinable, Cass Lake, MN: Minnesota Chippewa Tribe, 1985. The allotments of 1926 and transfer to the MCT are p. 76-77, 107-8.

(The Lake Lena Community Center was designed by Cuningham Hamilton Quiter Architects. The building received a 1993 American Institute of Architects Minnesota award for outstanding design.

Folwell, Vol. 4., p. 197.

Mitchell E. Rubinstein and Alan R. Woolworth, "The Dakota and Ojibway", in Holmquist, editor, They Chose Minnesota: A Survey of the State's Ethnic Groups. St. Paul: Minnesota Historical Society, 1981, 0. 25.

Folwell, Vol. 4, p.219-295). More recently land titles cloudy by improperly dealing with allotment heirs were clears by the White Earth Land Settlement Act (WELSA) (PL 99-264, 25 USC 331, 1986).

(Meyer, P.274). Under the land purchase laws of the 1880's –1890's and again under the IRA, land was acquired for the community.

"The Payline A slot newsletter for the Mystic Lake Patron", Mystic Lake Casino Public Affairs Office, 2400 Mystic Lake Blvd., Prior Lake, MN 55372, Winter 1994-95).

1998 Minnesota Legislative Session

Legislation Affecting American Indians and Tribal Government

Final Report

Prepared by:
Larry Kitto
President/Owner
MPA Consultants

1998 LEGISLATIVE SESSION FINAL REPORT

A. CULTURE & HISTORY

3. BATTLE POINT CULTURAL AND EDUCATION CENTER-APPROPRIATION, Chapter 404, Section 22.

\$1,700,000 is appropriated to the Indian *Affairs* Council for construction of the Battle Point Cultural and Education Center. The center must be publicly owned. The Indian Affairs Council may enter into a lease or management agreement for the center subject to Minnesota Statutes, Chapter 1 6A.695.

4. STATE'S ROLE WITH RESPECT TO AMERICAN INDIAN REMAINS, House Advisory No.14 (Kahn, Trimble, Larsen, Hilty, McCollum)

This advisory requests the Committee on Governmental Operations to "study the State's role in determining who ultimately has responsibility for the preservation, protection, and disposition of American Indian remains."

B. EDUCATION

5. FOND DU LAC COMMUNITY AND TRIBAL COLLEGE, Chapter 404, Section 3, Subd. 7.

The Board of Trustees of the Minnesota State Colleges and Universities may design, through construction documents, a classroom addition using money from nonstate sources. The college is encouraged to seek additional nonstate matching money to offset a portion of the cost of construction. The total cost to construct, furnish, and equip the classroom addition must not exceed \$7,500,000.

6. EARLY CHILDHOOD LEARNING FACILITIES - APPROPRIATION, Chapter 404, Section 5, Subd. 2.

\$5,000,000 is appropriated from the general fund for grants to state agencies, political subdivisions, Indian tribes, or private nonprofit organizations to construct or rehabilitate facilities for programs under Minnesota Statues, section 26g.9 17. Facilities financed with these grants may bed owned by Indian tribes or private nonprofit organizations.

7. RED LAKE EDUCATIONAL. AND TRAINING FACILITY APPROPRIATION, Chapter 404, Section 27.

\$2,600,000 is appropriated for a grant to the Red Lake Tribal Council to construct an educational and training facility and a production facility on land assigned by the Council on the Red Lake Reservation. The educational and training facility will provide a site for Northwest Technical College to offer basic skills and vocational training to adults to help them overcome the effects of underemployment and unemployment and to prepare them for meaningful employment. Training will utilize personalized, computerized programs

designed to prepare participants for college and other further training as well as direct access to the work force.

8. AMERICAN INDIAN POST-SECONDARY PREPARATION GRANTS. Chapter 398, Article 2, Section 49.

Laws 1997, First Special Session, Chapter 4, Article 2, Section 51, Subdivision 4 is amended to increase the appropriation in 1999 by \$125,000, from \$857,000 to \$982,000. Any balance in the first year does not cancel but is available in the second year.

9. AMERICAN INDIAN SCHOLARSHIPS. Chapter 398, Article 2, Section 50.

The appropriation for American Indian post-secondary preparation grants according to Minnesota Statutes, Section 124.481, is increased in 1999 by \$275,000, from \$1,600,000 to \$1,875,000. Any balance in the first year does not cancel but is available in the second year.

10. AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAMS. Chapter 39g, Article 2, Section 48.

Laws 1997, First Special Session, Chapter 4, Article 2, Section 51, Subdivision 2, is amended to increase the appropriation in 1999 by \$125,000, from \$532,000 to \$657,000. The 1999 appropriation includes \$59,000 for 1998 and \$657,000 for 1999. Any balance in the first year does not cancel but is available in the second year.

11. CLEARINGHOUSE OF BEST EDUCATIONAL PRACTICES. Chapter 398, Article 5, Section 42.

- a) The department of children, families and learning shall establish a clearinghouse of best educational practices and shared decision-making for improving student performance, particularly for at-risk students. The clearinghouse must:
- align with all current activities for best educational practice, shared decision-making, and the results-oriented graduation rule;
- 2) conduct research and collect information on the best educational practices affecting a school's management, operation, financing, personnel and instruction;
- 3) train quality intervention teams composed of highly qualified educators to assist a school's staff in working to improve student performance; particularly for at-risk students, by addressing a school's management, operation, financing, personnel and instruction practices;
- 4) develop and make available to interested school districts a model for an independent educational audit that evaluates a school's performance strengths and weaknesses and makes specific recommendations for reinforcing performance strengths and improving performance weaknesses cited in the audit.
- 5) using the comprehensive assessment framework under section 121.1115, subdivision lb, paragraph (a), develop student and school performance indicators schools may use to reliably measure school improvement over time; and

- 6) provide staff development opportunities to assist teachers and other educators in integrating educational reform measures into a school's best practices.
- a) The clearinghouse must assist school districts, at district request, and recommend methods to engage parents and communities in improving student performance, particularly for at-risk students.
- b) The clearinghouse must collaborate with and may contract with community stakeholders, including the Minneapolis urban league, the St. Paul urban league, the urban coalition, the counsel on Asian-Pacific Minnesotans, the Chicano Latino affairs council, the council on Black Minnesotans, the Indian affairs council, or the communities of color institute and Minneapolis Pathways at the University of Minnesota's Roy Wilkins center.

C. HEALTH AND HUMAN SERVICES

3. MASH-KA-WISEN TREATMENT CENTER APPROPRIATION. Chapter 407. Article 1, Section 2, Subdivision 6.

\$400,000 is appropriated in fiscal year 1999 from the general fund for the commissioner to provide a grant to the Board of Directors of the Minnesota Indian Primary Residential Treatment Center, Inc., to build a youth alcohol treatment wing at the Mash-Ka-Wisen Treatment Center, This appropriation is available only if matched by a \$1,500,000 federal grant and a \$100,000 grant from State Indian bands.

4. DATA PRIVACY - TRIBAL HEALTH DATA, Chapter 371. Section 20.

All data created, collected, received or maintained by the Commissioner of Health in conjunction and cooperation with a federally recognized Indian tribe with an enrolled membership of under 550 individuals and which relate to cancer incidence among tribal members are private data on individuals as defined in Minnesota Statutes, Section 13.02. [SPECIFICALLY FOR PRAIRIE ISLAND]

5. CLASSIFICATION OF DATA - BLOOD LEAD LEVELS. Chapter 407, Article 2, Section 52.

Minnesota Statutes 1996, Section 144,9502, Subdivision 9, is amended to read:

Subd. 9. [CLASSIFICATION OF DATA.] Notwithstanding any law to the contrary, including section 13.05, subdivision 9, data collected by the commissioner of health about persons with elevated blood lead levels, including analytic results from samples of paint, soil, dust, and drinking water taken from the individual's home and immediate property, shall be private and may only be used by the commissioner of health, the commissioner of labor and industry, authorized agents of Indian tribes, and authorized employees of local boards of health for the purposes set forth in this section.

6. INDIAN HEALTH SERVICES FACILITIES. Chapter 407, Article 4, Section 9.

Minnesota Statues 1996, Section 256.969, Subdivision 16, is amended to read:

Subd. 16. [INDIAN HEALTH SERVICE FACILITIES.] Indian health service Facilities of the Indian health service and facilities operated by a tribe or tribal organization under funding authorized by title III of

the Indian Self-Determination and Education Assistance Act. Public Law Number 93-638. or by United States Code. Title 25.chapter 14. subchapter II. sections 450f to 450n. are exempt from the rate establishment methods required by this section and shall be reimbursed at charges as limited to the amount allowed under federal law paid according to the rate published by the United States assistant secretary for health under authority of United States Code. Title 42, sections 248A and 248B.

7. ANTI-INDIAN AMENDMENT - DID NOT PASS

House Minority Leader Steve Sviggum offered the following floor amendment to the Health and Human Services Supplemental Appropriations Bill (S.F. No.3346), which set up eligibility requirements for individuals and tribes to receive State human services aid which other citizens or units of government would not have to meet:

"Page 136, after line 25, insert:

"Sec. 7. [256.028] [HUMAN SERVICES AIDS; CERTIFICATION OF ELIGIBILITY.]

Subd 1. [DEFINITIONS.] For purposes of this section:

- 1) "state aid" means any human services grant appropriation aid benefit program or allocation to a governmental entity for the exclusive benefit of or that targets or prioritizes benefits to. American Indians. State aid includes but is not limited to payments pursuant to sections 245.713:254A.03: 254A.031: 256J.645: and 25.3571: and chapter 254B: and
- 2) "governmental entity" means a state agency. political subdivision. or American Indian tribe or authorized Indian tribal organization, and any of the entity's agencies or instrumentality's.
- Subd. 2. [ELIGIBILITY OF STATE AID.] In addition to any other requirements of law providing for state aid. to be eligible for the aid, a governmental entity must certify to the commissioner of human services that the governmental entity meets one of the following conditions:
- 1) the direct recipients of the state aid are individuals subject to state income taxes imposed under chapter 290, whether or not the individual is required to file a return or pay taxes under chapter 290:
- 2) if the state aid is paid to or used by the governmental entity or the recipients of the aid do not meet the requirements of clause (1), the entity has paid taxes, in lieu taxes, or contractual payments, to the state or a political subdivision of the state on any revenues received by the governmental entity from gaming that is at least equal to the combined receipts taxes that would be paid if a tax at the rate under section 297E.02, subdivision 6, was imposed on net gaming receipts of the governmental entity. For purposes of this clause, the phrase "taxes, in lieu taxes, or contractual payments" does not include payments made under a state compact for payments in lieu of cigarette, liquor, or motor fuel taxes. Or
- 3) any net gaming proceeds received by the governmental entity are expended by the governmental entity to benefit the community as a whole, any facilities acquired or constructed with any gaming proceeds of the governmental entity are owned by the governmental entity, and none of the net gaming proceeds of the governmental entity inure to the private benefit of an individual or private entity.
- Subd. 3. [APPLICATION.] Application for certification of eligibility for state aid must be made by the governmental entity on the forms prescribed by the commissioner of human services. The application must

contain the information required by the commissioner of human services and must contain an agreement signed by an authorized representative of the governmental entity that states that any legal disputes about aid eligibility under this section shall be under the jurisdiction of a state court.

Subd. 4. [FUNDS RELEASED.]

- a) If the commissioner determines that a governmental entity meets the requirements of subdivision 2, the commissioner shall certify compliance with this section by the governmental entity to the department or other agency administering the aid, and the aid shall be paid as provided by law.
- b) If the commissioner determines that the governmental entity has not met the requirements of subdivision 2. the commissioner shall certify noncompliance with this section by the governmental entity to the department or other agency administerin 2 the aid and notwithstanding any other law to the contrary, the state aid shall not be paid.
- c) If the commissioner determines that the governmental entity has partially met the requirements of subdivision 2. the commissioner shall certify partial compliance by the governmental entity with this section to the department or other agency administering the aid and, notwithstanding any other law to the contrary, the state aid shall be paid only as follows:
- 1) The net gaming proceeds received by the governmental entity is reduced by (i)any distributions of the net gambling proceeds to individuals subject to state income taxes imposed under chapter 290. and (ii) any net gaming proceeds expended under subdivision 2. clause (3).
- 2) An amount is calculated equal to the amount of tax that would be imposed on the amount determined in clause (1) at the rate under section 297E.02. subdivision 6. if a tax at that rate were imposed on that amount.
- 3) The state aid otherwise provided by law shall be multiplied by the ratio of taxes, in lieu taxes, or contractual payments made by the 2overnmental entity as described in subdivision 2 clause (2), to the amount determined under clause (2) of this paragraph. The ratio may not be greater than 1.
- 4) The amount of state aid determined under clause (3) shall be paid as otherwise provided by law."

Page 209, after line 19, insert:

"(i) Section 7 is effective for state aid payable after June 30 1998."

Renumber the sections in sequence and correct internal references

Amend the title accordingly"

The amendment failed by a vote down party lines of 62 to 67, except Representative Dempsey (R-Hastings) voted against the amendment while Representative Kelso (DFL-Shakopee) voted in favor of the amendment. This could set the stage for a major Indian/non-Indian battle during the coming campaign season and the 1999 Legislative Session.

D. OTHER TRIBAL PROGRAMS

3. APPROPRIATION FOR INDIAN AFFAIRS COUNCIL - VETOED

The Omnibus Jobs, Housing and Economic Development Supplemental Appropriations Bill (S.F. 3367) included an \$80,000, one-time appropriation in 1999 for the Indian Affairs Council to assist in funding the 50th annual conference of the Interstate Indian Council to be held in Minnesota in 1999. S.F. 3367 was vetoed by the governor on April 7, 1998.

E. NATURAL RESOURCES

3. BEAVER DAMAGE CONTROL APPROPRIATION, Chapter 401, Section 6.

\$50,000 is appropriated in fiscal year 1999 to be added to the appropriation in Laws 1997, Chapter 216, Section 7, Subdivision 4, for beaver damage control grants. This is a one-time appropriation.

4. TIMBER WOLF BEST MANAGEMENT PRACTICES. Chapter 401 Section 13.

Minnesota Statues 1996, Section 3.737 is amended by adding the following subdivision:

"Subd. 5. [TIMBER WOLF BEST MANAGEMENT PRACTICES.] By September 1 1999, the commissioner must develop best management practices to prevent timber wolf depredation on livestock farms. The commissioner shall periodically update the best management practices when new practices are found by the commissioner to prevent timber wolf depredation on livestock farms. The commissioner must provide an updated copy of the best management practices for timber wolf depredation to all livestock owners who are still engaged in livestock farming and have previously submitted livestock claims under this section."

5. MINNESOTA FOREST RESOURCES COUNCIL, Chapter 401, Section 30.

Minnesota Statutes 1996, Section 89A.03, Subd. 1 is amended to read:

- Subd. 1. [MEMBERSHIP.] The Minnesota forest resources council has 13 members appointed by the governor and one member appointed by the Indian affairs council. The council membership appointed by the governor must include one representative from each of the following individuals:
 - 1) a representative from an organization representing environmental interests within the state
- 2) <u>a representative from</u> an organization representing the interests of management of game species;
 - 3) a representative from a conservation organization;
 - 4) a representative from an association representing forest product industry within the state;
 - 5) a commercial logging contractor active in a forest product association;
 - 6) a representative from a statewide association representing the resort and tourism industry;
 - 7) a faculty or researcher of a Minnesota research or higher educational Institution;
 - 8) an owner of nonindustrial, private forest land of 40 acres or more;
 - 9) an agricultural woodlot owner;

- 10) a representative from the department;
- 11) a county land commissioner who is a member of the Minnesota association of county land commissioners;
- 12) a representative from the United States Forest Service unit with land management responsibility in Minnesota; and
- 13) a representative from a labor organization with membership having an interest in forest resource issues.

3. ANALYSIS AND SALE OF LAKESHORE LEASED LOTS - HORSESHOE BAY. Chapter 401, Section 60.

- Subd. 1. [ANALYSIS OF LOTS.] By January 15, 1999, the Commissioner of Natural Resources must submit a report to the chairs of the Senate and House Environment and Natural Resources, the Chair of the House Environment, Natural Resources, and Agricultural Finance Committee, the Chair of the Senate Environment and Agriculture Budget Division, the Chairs of the Senate Children, Families and Learning Committee, and the Chair of the House Education Committee, including the results of the field inspection required by this section, recommendations on appropriations needed to accomplish this section, and additional recommendations on methods to preserve public lakeshore in the State. The Commissioner must conduct a field inspection of all lands leased pursuant to Minnesota Statutes, Section 92.46, subdivision I. The commissioner shall identify all lots within the following classifications:
- 1) sale of the lot would create a block of contiguous property that could result in a shift in and use from residential to commercial development;
- 2) the lot should remain in public ownership in order to provide public access to the lake where it is located;
- 3) the lot is part of the trust land in Horseshoe Bay as referenced in Laws 1997, Chapter 216. Section 151;
- 4) the lot contains all or part of an unusual resource, such as a historical or archaeological site, or a sensitive ecological resource, or contains high quality habitat, or has a high scenic value;
- 5) the lot is not in compliance with state law concerning on-site sewage treatment or minimum lot size requirements for development, or the lot is hydrologically unsuitable for future development; and
 - 6) the lot provides access for adjacent state land.

F. TAXES

3. PAYMENTS TO COUNTIES WITH INDIAN CASINOS Chapter 3g9, Article 16, Section 11.

Minnesota Statutes 1997 Supplement, Section 270.60, Subdivision 4, is amended to read:

Subd. 4, [PAYMENTS TO COUNTIES.]

- a) The commissioner shall pay to a qualified county in which an Indian gaming casino is located ten percent of the state share of all taxes generated from activities on reservations and collected under a tax agreement under this section with the tribal government for the reservation located in the county. If the tribe has casinos located in more than one county, the payment must be divided equally among the counties in which the casinos are located.
- b) A county qualifies for payments is a qualified county under this subdivision only if one of the following conditions is met:

- 1) the county's per capita income is less than 80 percent of the state per capita personal income, based on the most recent estimates made by the United States Bureau of Economic Analysis; or
- 2) 30 percent or more of the total market value of real property in the county is exempt from ad valorem taxation.
- c) The commissioner shall make the payments required under this subdivision by February 28 of the year following the year the taxes are collected.
- d) An amount sufficient to make the payments authorized by this subdivision, not to exceed \$1,100,000 in any fiscal year, is annually appropriated from the general fund to the commissioner. If the authorized payments exceed the amount of the appropriation, the commissioner shall <u>first</u> proportionately reduce the <u>rate</u> payments to counties other than qualified counties so that the total amount equals the appropriation. <u>If the authorized payments to qualified counties also exceed the amount of the appropriation the commissioner shall then proportionately reduce the rate so that the total amount to be paid to qualified counties equals the appropriation.</u>

[Under this provision, Redwood, Scott and Yellow Medicine Counties are to be included in the tribal tax agreement revenue sharing to receive 10 percent of the state share of revenues under the tribal tax agreements. These counties may receive revenue sharing payments as long as the total distribution remains under the \$1.1 million annual appropriation cap.]

G. WELFARE REFORM

1. <u>WIC APPROPRIATION</u>, Chapter 401, Section 6.

\$75,000 is appropriated in fiscal year 1999 for additional matching funds for the WIC coupon program.

2. TRIBAL PURCHASING MODEL. Chapter 407, Article 4, Section 11.

Minnesota Statutes 1996, Section 256B.03, Subdivision 3, is amended to read:

- Subd. 3. [AMERICAN INDIAN HEALTH FUNDING TRIBAL PURCHASING MODEL.] (a) Notwithstanding subdivision 1 and sections 256B.0625 and 256D.03, subdivision 4. paragraph (f) (i) the commissioner may make payments to federally recognized Indian tribes with a reservation in the state to provide medical assistance and general assistance medical care to Indians, as defined under federal law, who reside on or near the reservation. The payments may be made in the form of a block grant or other payment mechanism determined in consultation with the tribe. Any alternative payment mechanism agreed upon by the tribes and the commissioner under this subdivision is not dependent upon county or health plan agreement but is intended to create a direct payment mechanism between the state and the tribe for the administration of the medical assistance program and general assistance medical care programs, and for covered services.
- (b) A tribe that implements a purchasing model under this subdivision shall report to the commissioner at least annually on the operation of the model. The commissioner and the tribe shall cooperatively determine the data elements, format, and timetable for the report.

- (c) For purposes of this subdivision, "Indian tribe" means a tribe, band, or nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and for which a reservation exists as is consistent with Public Law Number 100-485, as amended.
- (d) Payments under this subdivision may not result in an increase in expenditures that would not otherwise occur in the medical assistance program under this chapter or the general assistance medical care program under chapter 256D.
- 3. <u>MEDICAL ASSISTANCE PAYMENTS TO INDIAN HEALTH SERVICES FACILITIES</u>. Chapter 407, Article 4, Section 27.

Minnesota Statutes 1996, Section 256B 0625, Subdivision 34, is amended to read:

Subd. 34. [AMERICAN INDIAN HEALTH SERVICES FACILITIES.] Medical assistance payments to American Indian health services facilities for outpatient medical services billed after June 30, 1990, must be facilities of the Indian health service and facilities operated by a tribe or tribal organization under funding authorized by United States Code, title 25. sections 450f to 450n, or title III of the Indian Self-Determination and Education Assistance Act. Public Law Number 93-638, shall be at the operation of the facility in accordance with the rate published by the United States Assistant Secretary for Health under the authority of United States Code, title 42, sections 248(a) and 249(b). General assistance medical care payment to facilities of the American Indian health services and facilities operated by a tribe or tribal organization for the provision of outpatient medical care services billed after June 30, 1990, must be in accordance with the general assistance medical care rates paid for the same services when provided in a facility other than an American a facility of the Indian health service or a facility operated by a tribe or tribal organization.

4. MEDICAL ASSISTANCE - INDIAN RECIPIENTS. Chapter 407, Article 4, Section 47.

Minnesota Statutes 1996, section 256B.69, is amended by adding the following subdivision:

Subd. 25. [AMERICAN INDIAN RECIPIENTS.) (a) Beginning on or after January 1, 1999, for American Indian recipients of medical assistance who are required to enroll with a demonstration provider under subdivision 4 or in a county-based purchasing entity, if applicable, under section 256B.692, medical assistance shall cover health care services provided at American Indian health services facilities and facilities operated by a tribe or tribal organization under funding authorized by United States Code, title 25, sections 450f to 450n, or title III of the Indian Self-Determination and Education Assistance Act, Public Law Number 93-38, if those services would otherwise be covered under section 256B.0625. Payments for services provided under this subdivision shall be made on a fee-for-service basis, and may, at the operation of the tribe or tribal organization, be made according to rates authorized under sections 256.969, subdivision 16, and 256B.0625, subdivision 34. Implementation of this purchasing model is contingent on federal approval.

(b) The commissioner of human services, in consultation with the tribal governments, shall develop a plan for tribes to assist in the enrollment process for American Indian recipients enrolled in the prepaid medical assistance program under this section or the prepaid general assistance medical care program under section 256D.03, subdivision 4, paragraph (d). This plan also shall address how tribes will be included in ensuring the coordination of care for American Indian recipients between Indian health service or tribal providers and other providers.

- (c) For purposes of this subdivision, "American Indian" has the meaning given to persons to whom services will be provided for in Code of Federal Regulations, title 42, section 36,12.
 - (d) This subdivision also applies to American Indian recipients of general assistance medical care and to the prepaid general assistance medical care program under section 256D.03, subdivision 4, paragraph (d).
- 5. CHILDCARE ASSISTANCE PROGRAMS CONTRACTUAL AGREEMENTS WITH TRIBES. Chapter 407, Article 6, Section 2.

Minnesota Statute 1997, Supplement, Section 1 19B.02, is amended to add the following subdivision:

Subd. 2. [CONTRACTUAL AGREEMENTS WITH TRIBES.] The commissioner may enter into contractual agreements with a federally recognized Indian tribe with a reservation in Minnesota to carry out the responsibilities of county human service agencies to the extent necessary for the tribe to operate child care assistance programs under sections 1 19B.03 and 1 19B.05. An agreement may allow for the tribe to be reimbursed for child care assistance services provided under section 1 19B.05. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal child care services. Funding to support services under section 1 19B.03 may be transferred to the federally recognized Indian tribe with a reservation in Minnesota from allocations available to counties in which reservation boundaries lie. When funding is transferred under section 1 19B.03, the amount shall be commensurate to the estimates of the proportion of reservation residents with characteristics identified in section 1 19B.03, subdivision 6, to the total population of county residents with those same characteristics.

6. FAMILY ASSISTANCE PROGRAMS. Chapter 407, Article 6, Section 7.

Minnesota Statutes 1997 Supplement, Section 256.01, [Specific powers of the Commissioner of Human Services] is amended to allow the Commissioner to

(g) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties with to be included, in order to avoid the duplication of county and tribal assistance program services. The commission may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the program.

7. <u>COMPUTER SYSTEMS</u>. Chapter 407, Article 6, Section 8.

Minnesota Statutes 1996, Section 256.014, Subdivision 1, is amended to add the following paragraph:

The commissioner may enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to participate in state-operated computer systems related to the management and administration of the food stamp, income maintenance, child support enforcement, and medical assistance and general assistance medical care programs to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner.

8. <u>DEFINITION OF LEGAL CUSTODIAN</u>, Chapter 407, Article 6, Section 26.

Minnesota Statutes 1997 Supplement, Section 256J.08, is amended by adding the following subdivision:

Subd. 5 la. [LEGAL CUSTODIAN.] "Legal custodian" means any person who is under a legal obligation to provide care for a minor and who is in fact providing care for a minor. For an Indian child, "custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom, under state law, or to whom temporary physical care, custody, and control has been transferred by the parent of the child, as provided in section 257.351, subdivision 8.

9. <u>60-MONTH TIME LIMIT FOR CASH ASSISTANCE</u>. Chapter 407, Article 6, Section 79.

Minnesota Statutes 1997 Supplement, section 256J.42, Subdivision 3, is amended to read as follows:

- Subd. 3. [ADULTS LIVING ON AN INDIAN RESERVATION.] In determining the number of months for which an adult has received assistance under MFIP-S, the county agency must disregard any month during which the adult lived on an Indian reservation if; during the month:
 - (1) at least 1,000 individual were living on the reservation, and
 - (2)—at least 50 percent of the adults living on the reservation were unemployed not employed.

10. CLARIFICATION OF MFIP-S FUNDING PROVISION. Chapter 407, Article 6, Section 105

Minnesota Statutes 1997 Supplement, Section 256J.645, Subdivision 3, an MFIP-S funding provision, is amended by adding "and federal" to clarify that the amount provided to a tribe to operate a program may increase or decrease in the same proportion that the total amount of state "and federal" funds available for that MFIP-S program are increased or decreased in that fiscal year.

11. <u>SUPPORT TO IMPLEMENT THE INDIAN FAMILY PRESERVATION ACT</u>. Chapter 407, Article 1, Section 2, Subdivision 2.

For fiscal year 1998, \$100,000 of federal fluids are transferred from the State's federal TANF block grant and added to the State's allocation of federal Title XX block grant funds. Notwithstanding the provisions of Minnesota Statutes 1997 Supplement, Section 256E.07, the commissioner shall use \$100,000 of the State's Title XX block grant funds for a grant under Minnesota Statutes, Section 157.3571, subdivision 1, to an Indian organization licensed as an adoption agency. The grant must be used to provide primary support for implementation of the Minnesota Indian Family Preservation Act and compliance with the Indian Child Welfare Act. This appropriation must be used according to the requirements of United States Code, Title 42, Section 604(d)(3)(B). This appropriation is available until June 30, 1999.

H. OTHER PROGRAMS, SERVICES, FUNDS FOR WHICH TRIBES ARE ELIGIBLE

1. CENSUS APPROPRIATION. Chapter 366, Section 5.

\$15,000 is appropriated in fiscal year 1998 and \$65,000 is appropriated in fiscal year 1999 from the General Fund for census-related activities.

2. MEMBERS OF CONSUMER ADVISORY BOARD. Chapter 407, Article 2, Section 14.

Minnesota Statutes 1997 Supplement, Section 62J.75, paragraph (b) is amended to read as follows:

(b) The governor, the speaker of the house of representatives, and the subcommittee on committees of the committee on rules and administration of the senate shall each appoint two six members. The Indian affairs, the council on affairs of Chicano/Latino people, the council on Black Minnesotans, the council on Asian Pacific Minnesotans, Mid Minnesota legal assistance, and the Minnesota chamber of commerce shall each appoint one member. The member appointed by the Minnesota chamber of commerce must represent small business interests. The health care campaign of Minnesota, Minnesotans for affordable health care, and consortium for citizens with disabilities shall each appoint two members. Members serve without compensation or reimbursement for expenses. Members may be compensated in accordance with section 15.059, subdivision 3, except that members shall not receive per diem compensation or reimbursements for child care expenses.

I. CRIME AND LAW ENFORCEMENT

1. <u>SERVICE OF AN ORDER FOR PROTECTION BY OTHERS</u>, Chapter 367, Article 5, Section

Minnesota Statues 1996, section 518B.01, is amended by adding the following subdivision:

Subd. 9a. [SERVICE BY OTHERS.] Peace officers licensed by the state of Minnesota and corrections officers, including, but not limited to, probation offices, court services officers, parole officers, and employees of jails or correctional facilities, may serve an order for protection.

2. VIOLATION OF AN ORDER FOR PROTECTION, Chapter 367, Article 5, Section 5.

Minnesota Statutes 1997 Supplement, Section 5 18B.01, Subdivision 14, is amended to read as follows:

- Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) A person who violates an order for protection issued under this section by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).
- (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted pursuant to this section by a judge or referee or pursuant to a similar law of another state, the District of Columbia. tribal lands or United States territories, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the

court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

- (c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous conviction under this subdivision; sections 609,221 to 609,224; 609,2242; 609,713, subdivision 1 or 3; 609,748, subdivision 6; 609,749; or a similar law of another state. the District of Columbia, tribal lands, or United States territories; and the end of the five years following discharge from sentence for that conviction. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609,135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.
- (d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision:
 - (3) during the time period between the first of two or more previous convictions under this section or sections 609.221 to 609.224; 609.2242; 609.713, subdivision I or 3; 609.748, subdivision 6; 609.749; or a similar law of another state, the District of Columbia tribal lands or United States territories; and the end of the five years following discharge from sentence for that conviction; or
 - (4) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

- (e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the District of Columbia. tribal lands, or United States territories restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for a least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.
- (f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the

order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

- (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the District of Columbia. tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).
- (h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.
- (i) The admittance into petitioner's dwelling of an abusing party excluded form the dwelling under an order for protection is not a violation by the petitioner of the order for protection. A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).
- (j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.
- (k) Except as otherwise provide in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection the court shall inform the defendant that the defendant is prohibited form possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.
- (1) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person

has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

- (m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.
- 3. <u>FOND DU LAC BOND OF LAKE SUPERIOR CHIPPEWA ENFORCEMENT AUTHORITY</u>, Chapter 367, Article 11, Section 21.

Subdivision 1. [DEFINITION.] As used in this section, "band" means the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934, 25 United Sates Code, Section 476, and which occupies the Fond du Lac Reservation pursuant to the Treaty of LaPointe, 10 Stat. 1109.

- Subd. 2, [LAW ENFORCEMENT AGENCY.] (a) The band has the powers of a law enforcement agency, as defined in section 26.84, subdivision 1. paragraph (h), if all of the requirements of clauses (1) to (4) and paragraph (b) are met:
 - (5) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding Section 1 6B.06, Subdivision 6, to waive its sovereign immunity for purposes of claims arising out of this liability;
 - (6) the band files with the board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage for the maximum amounts set forth in Section 466.04 or establishes that liability coverage exists under the Federal Torts Claims Act, 28 United Sates Code, Section 1346(b), et. al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, 25 United States Code, Section 450f(c);
 - (7) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution or establishes that liability coverage exists under the Federal Torts Claims Act, 28 United States Code, Section 1346(b) et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, 25 United States Code, Section 450F(c); and
 - (8) the band agrees to be subject to Section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.
- (b) By July 1, 1998, the band shall enter into written mutual aid or cooperative agreements with the Carlton County sheriff, the St. Louis County sheriff, and the City of Cloquet under Section 471.59 to define and regulate the provision of law enforcement services under this section. The agreements must define the following:

- (9) the trust property involved in the joint powers agreement;
- (10) the responsibilities of the county sheriffs;
- (11) the responsibilities of the county attorneys; and
- (12) the responsibilities of the City of Cloquet city attorney and police department.

Subd. 3 [CONCURRENT JURISDICTION.] The band shall have concurrent jurisdictional authority under this section with the Carlton County and St. Louis County sheriffs' departments over crimes committed within the boundaries of the Fond du Lac reservation as indicated by the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b), and any exhibits or attachments to those agreements.

- Subd. 4. [PEACE OFFICERS.] If the band complies with the requirements set forth in subdivision 2, the band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government.
- Subd. 5. [FFECT ON FEDERAL LAW.] Nothing in this section shall be construed to restrict the band's authority under federal law.
- Subd. 6. [CONSTRUCTION.] This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the band.

J. GAMBLING LEGISLATION THAT BECAME LAW

1. PROJECT TURNABOUT APPROPRIATION Chapter 366 Section 13.

\$750,000 is appropriated from the Minnesota lottery prize fund to be used for Project Turnabout in Granite Falls. This appropriation shall not become part of the base appropriation for the 2000-2001 biennium. [Compulsive gambling treatment center new Upper Sioux.]

2. PROJECT TURNABOUT MATCHING GRANT. Chapter 407, Article 1, Section 2, Subdivision 6.

If money is appropriated in fiscal year 1999 to the commissioner from the lottery prize fund, the money shall be used to provide a grant for capital improvements to Project Turnabout in Granite Falls. A local match is required before the commissioner may release this appropriation to the facility. The facility shall receive State funds equal to the amount of local matching funds provided, up to the limit of this appropriation.

3. <u>COMPULSIVE GAMBLING CARRYFORWARD</u>. Chapter 407, Article 1, Section 2, Subdivision 6.

Unexpended funds appropriated to the commissioner for compulsive gambling programs for fiscal year 1998 do not cancel but are available for these purposes for fiscal year 1999.

4. <u>COMPULSIVE GAMBLING PROGRAM SUPPORT</u>. Chapter 407, Article 8, Section 5.

Minnesota Statutes are amended to add the following section:

Section 245.982 [PROGRAM SUPPORT.] In order to address the problem of gambling in this state, the compulsive gambling fund should attempt to assess the beneficiaries of gambling, on a percentage basis according to the revenue they receive from gambling, for the costs of programs to help problem gamblers and their families. In that light, the governor is requested to contact the chairs of the 11 tribal governments in this state and request a contribution of funds for the compulsive gambling program. The governor should seek a total supplemental contribution of \$643,000. Funds received from the tribal governments in this state shall be deposited in the Indian gaming revolving account.

5. INDIAN GAMING REVOLVING ACCOUNT. Chapter 407, Article 8, Section 8.

Laws 1994, Chapter 633, Article 7, Section 3, is amended to read:

Funds received from the attorney general Indian tribal governments and the Minnesota state lottery shall deposit be deposited 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 contributing to the compulsive gambling program.

- 6. COMPULSIVE GAMBLING APPROPRIATION. Chapter 407, Article 8, Section 11.
 - (a) In addition to any other appropriations, \$340,000 is appropriated annually from the Minnesota lottery prize find to the Indian gaming revolving account in Laws 1994, chapter 633, article 7, section 3, and transferred to the commissioner of human services for the compulsive gambling program. The funds provided under Minnesota Statutes, section 245.982, are to be transferred from the Indian gaming revolving account to the commissioner of human services for purposes of paragraph (d).
 - (b) Of the funds appropriated under this section, \$290,000 in fiscal year 1999 is appropriated for the establishment of fee-for-service projects. Fee-for-service funds under this appropriation may be awarded on a per-client basis to existing treatment centers and may be in addition to grants the centers currently receive. Baseline grants based on the last fiscal year client numbers and units of services provided constitute minimum appropriations to existing treatment centers, and upon meeting the contracted level of services, the treatment centers are eligible for fee-for-service funds on a per-client basis in addition to grants.
 - (c) Of the fluids appropriated under his section, \$50,000 in fiscal year 1999 is appropriated for the operation of prevention and education programs aimed at helping adult and adolescent gamblers.
 - (d) Of the funds provided under Minnesota Statutes, section 245.982, up to \$30,000 in fiscal year 1999 may be used for the completion of the prevalence study in section 9, up to \$10,000 in fiscal year 1999 may be used for the study in section 10 related to extending assessments to bankruptcy and family court proceedings, and up to \$50,000 in fiscal year 1999 may be used for the operation of the hotline. The commissioner may prioritize the initiatives under this paragraph as the commissioner deems appropriate. Any funding remaining must be used for purposes of treatment under paragraph (b) and prevention under paragraph (c), and the funds must be appropriated at a two-to-one ratio, respectively.

K. NON-INDIAN GAMBLING

1. TAX RATE ON GAMBLING RECEIPTS. Chapter 389, Article 13, Section 3:

The tax rate on lawful gambling (gross receipts less prizes) was reduced from 10 percent to 9.5 percent.

2. TAX RATE ON PULL-TABS AND TIP-BOARDS. Chapter 389, Article 13, Section 3:

The tax rate on the ideal gross for pull-tabs and tip-boards was reduced from 2.0 percent to 1.9 percent.

L. NON-INDIAN GAMING BILLS WHICH DID NOT BECOME (LAW

3. CARD CLUB BILL (H.F. 967- Tomassoni; S.F. 807- Janezich)

This bill would have allowed card club activities to be undertaken by racetrack licensees.

4. STATE LOTTERY (HF. 3104 - Delmont; S.F. 2763 - Vickerman)

This bill would have allowed the director of the state lottery to implement a bonus payment plan for retailers based upon increased total sales. Additionally, this bill would have allowed advertising for religious holiday games and clarified provisions relating to conflict of interest.

M. STADIUM BILLS WHICH DID NOT BECOME LAW

1: <u>BASEBALL PARK - OWNERSHIP AND FUNDING</u>. (H.F. 2749 - Jennings; S.F. 3081 - Terwilliger)

This bill would have specified the authority of the Metropolitan Sports Facilities Commission to construct (on a design-build basis) and operate a baseball park in order to secure a long-term team commitment, including nonprofit and community ownership of the team and assignment of the park's operation to a private entity. The bill provided for a sales tax exemption for construction materials and authorized the issuance of up to \$133,000,000 in bonds. The bill also provided for special tax authority, including two instant lottery games, parking taxes, and a surtax on athletes earning more than \$150,000.

2. BASEBALL ADVISORY RESOLUTION. (Senate Concurrent Resolution No. 13)

This advisory acknowledged the value of the Minnesota Twins to the State and encourages diligent effort and sincere, open negotiations with major league baseball in order to preserve the Minnesota Twins. The resolution prohibits the use of general fund revenues for a new stadium but suggests community ownership through a public offering. The House took no action on this resolution.

N. OTHER LEGISLATION OF INTEREST

1. CONSTITUTION AMENDMENT - HUNTING AND FISHING RIGHTS. Chapter 392

It is proposed that Article XIII of the State Constitution be amended to add the following section:

Sec. 12. Hunting and fishing and the taking of game and fish are a valued part of our heritage and that shall be forever preserved for the people and shall be managed by law and regulation for the public good. The proposed amendment must be submitted to the people at the 1998 general election. The question submitted shall be:

Shall the Minnesota Constitution be amended to affirm that hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good?

Yes	
No	Top var Herb.
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2. NUCLEAR WASTE - ALTERNATIVE STORAGE MANDATE; WIND POWER MANDATE

While legislation was not introduced this session requesting additional nuclear storage capacity at Prairie Island, Rep. Mike Oskopp (R-Lake City) added an amendment to the House Economic Development Appropriations bill repealing Minnesota Statutes, Section 1 16C.80 relating to the storage of high level radioactive waste at an alternative site. The amendment repealed the requirement that Northern States Power obtain a certificate of site comparability from the Environmental Quality Board for the alternative radioactive waste storage site.

Rep. Gary Kubly (DFL - Granite Falls) also offered an amendment that modified the wind power mandate contained in the 1994 Prairie Island legislation.

While both amendments were included in the House Economic Development Appropriations bill, the Senate version of the bill did not contain either amendment. Both amendments were removed in conference committee. The entire bill was eventually vetoed by the governor.

3. <u>FETAL ALCOHOL SYNDROME MEDICAL ASSISTANCE FEDERAL MATCH</u>. Chapter 407, Article 1, Section 2, Subdivision 3.

The commissioner shall claim all available federal match under Title XIX for the fetal alcohol syndrome/federal alcohol effect initiatives. Grants and projects shall be developed which focus treatment on community-based options which consider the availability of federal match.

4. <u>FETAL ALCOHOL SYNDROME CAMPAIGN AND EDUCATION</u>. Chapter 398, Article 9, Section 2.

[145.9266] [FETAL ALCOHOL SYNDROME CAMPAIGN AND EDUCATION.]

- Subd. 1, [PUBLIC AWARENESS AND EDUCATION.] The commissioner of health shall design and implement an ongoing statewide campaign to raise awareness and educate the public about fetal alcohol syndrome and other effects of prenatal alcohol exposure. The campaign shall include messages directed to the general population as well as culturally specific and community-based messages. A toll-free resource and referral telephone line shall be included in the messages. The commissioner of health shall conduct an evaluation to determine the effectiveness of the campaign.
- Subd. 2. [STATEWIDE NETWORK OF FETAL ALCOHOL SYNDROME DIAGNOSTIC CLINICS.] A statewide network of regional fetal alcohol syndrome diagnostic clinics shall be developed between the department of health and the University of Minnesota. This collaboration shall be based on a statewide needs assessment and shall include involvement from consumers, providers, and payors. By the end of calendar year 1998, a plan shall be developed for the clinic network, and shall include a comprehensive evaluation component. Sites shall be established in calendar year 1999. The commission shall not access or collect individually identifiable data for the statewide network of regional fetal alcohol syndrome diagnostic clinics. Data collected at the clinics shall be maintained according to applicable data privacy laws, including section 14.335.

Subd. 3. [PROFESSIONAL TRAINING AND EDUCATION ABOUT FETAL ALCOHOL SYNDROME.]

- (a) The commissioner of health, in collaboration with the board of medical practice, the board of nursing, and other professional boards and state agencies, shall develop curricula and materials about fetal alcohol syndrome for professional training of health care providers, social service providers, educators, and judicial and corrections systems professionals. The training and curricula shall increase knowledge and develop practical skills of professionals to help them address the needs of at-risk pregnant women and the needs of individuals affected by fetal alcohol syndrome or fetal alcohol effects and their families.
- (b) Training for health care providers shall focus on skill building for screening, counseling, referral, and follow-up for women using or at risk of using alcohol while pregnant. Training for health care professionals shall include methods for diagnosis and evaluation of fetal alcohol syndrome and fetal alcohol effects. Training for education, judicial, and corrections professionals shall involve effective education strategies, methods to identify the behaviors and learning styles of children with alcohol related birth defects, and methods to identify available referral and community resources.
- (c) Training and education for social service providers shall focus on resources for assessing, referring, and treating at-risk pregnant women, changes in the mandatory reporting and commitment laws, and resources for affected children and their families.
- Subd. 4. [FETAL ALCOHOL SYNDROME COMMUNITY GRANT EDUCATION PROGRAM,] The commissioners of health shall administer a grant education program to provide money to community organizations and coalitions to collaborate on fetal alcohol syndrome prevention and intervention strategies and activities. The commissioner shall disburse grant money through a request for proposal process or sole-source distribution where appropriate, and shall include at least one grant award for transitional skills and services for individuals with fetal alcohol syndrome or fetal alcohol effects.

Subd. 5. [SCHOOL PILOT PROGRAMS.]

(a) The commissioner of children, families, and learning shall award up to four grants to schools for pilot programs to identify and implement effective educational strategies for individuals with fetal alcohol syndrome and other alcohol-related birth defects.

- (b) One grant shall be awarded in each of the following age categories:
 - (1) birth to three years;
 - (2) three to five years;
 - (3) six to 12 years; and
 - (4) 13 to 18 years.
- (c) Grant proposals must include an evaluation plan, demonstrate evidence of a collaborative or multisystem approach, provide parent education and support, and show evidence of a child- and family-focused approach consistent with research-based best educational practices and other guidelines developed by the department of children, families, and learning.
- (d) Children participating in the pilot program sites may be identified through child find activities or a diagnostic clinic. No identification activity may be undertaken without the consent of a child's parent or guardian.

Subd. 6. [FETAL ALCOHOL COORDINATING BOARD; DUTIES.]

- (a) The fetal alcohol coordinating board consists of:
- (1) the commissioners of health, human services, corrections, public safety, economic security, and children, families, and learning;
- (2) the director of the office of strategic and long-range planning;
- (3) the chair of the maternal and child health advisory task force section 145.881, or the chair's designee;
- (4) a representative of the University of Minnesota academic appointed by the provost;
- (5) five members from the general public appointed by the governor, one of whom must be a family member of an individual with fetal alcohol syndrome or fetal alcohol effect; and
- (6) one member from the judiciary appointed by the chief justice of the supreme court.

Terms, compensation, removal, and filling of vacancies of appointed members are governed by section 15.0575. The board shall elect a chair from its membership to serve a one-year term. The commissioner of health shall provide staff and consultant support for the board. Support must be provided based on an annual budget and work plan developed by the board. The board shall contract with the department of health for necessary administrative services. Administrative services include personnel, budget, payroll, and contract administration. The board shall adopt an annual budget and work program.

- (b) Board duties include:
- (7) reviewing programs of state agencies that involve fetal alcohol syndrome and coordinating those that are interdepartmental in nature;
- (8) providing an integrated and comprehensive approach to fetal alcohol syndrome prevention and intervention strategies both at a local and statewide level;
- (9) approving on an annual basis the statewide public awareness campaign as designed and implemented by the commissioner of health under subdivision 1;
- (10) reviewing fetal alcohol syndrome community grants administered by the commissioner of health under subdivision 4; and
- (11) submitting a report to the governor on January 15 of each odd-numbered year summarizing board operations, activities, findings, and recommendations, and fetal alcohol syndrome activities throughout the state.

(c) The board expires on January 1, 2001.

Subd. 7. [FEDERAL FUNDS; CONTACTS; DONATIONS.] The fetal alcohol coordinating board may apply for, receive, and disburse federal funds made available to the state by federal law or rules adopted for any purpose related to the powers and duties of the board. The board shall comply with any requirements of federal law, rules, and regulations in order to apply for, receive, and disburse funds. The board may contract with or provide grants to public and private nonprofit entities. The board may accept donations or grants from any public or private entity. Money received by the board must be deposited in a separate account in the state treasury and invested by the state board of investment. The amount deposited, including investment earnings, is appropriated to the board to carry out its duties. Money deposited in the state treasury shall not cancel.