

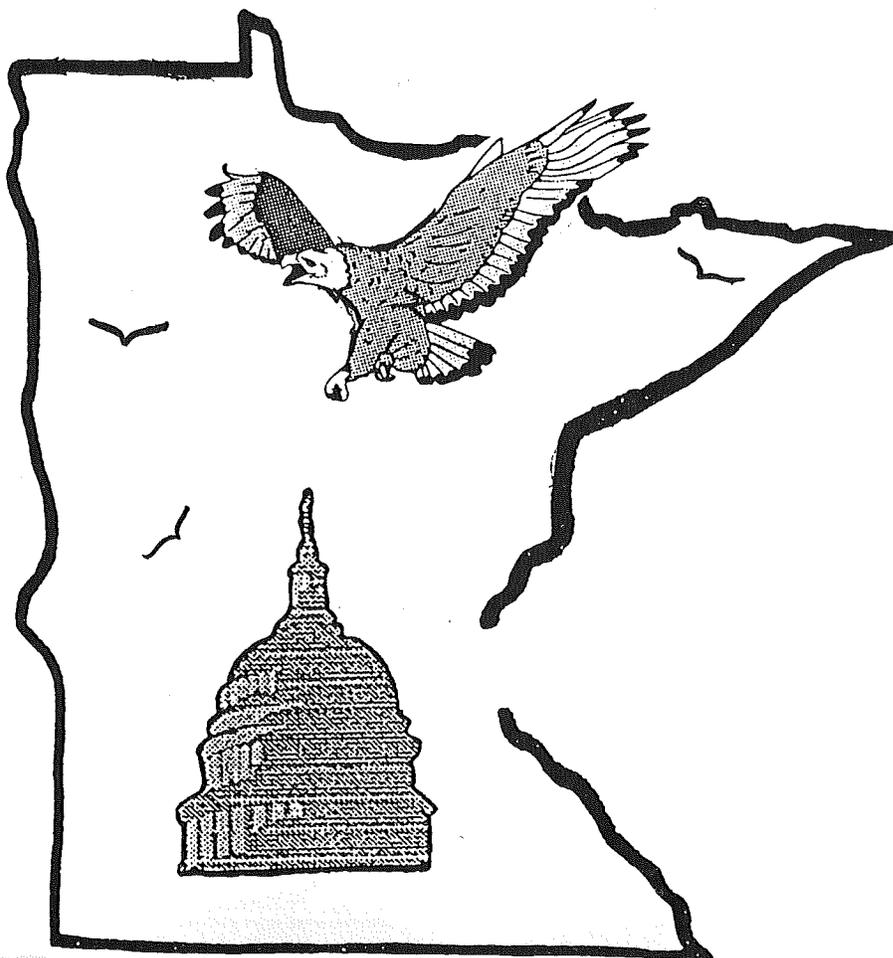
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# 1995 Annual Report

## State of Minnesota Indian Affairs Council



1450 Energy Park Drive  
West - Room 140  
St. Paul, Minnesota 55108  
(612) 643-3032

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**CORRECTED ADDENDUM: 12-01-95**

**MN INDIAN AFFAIRS COUNCIL  
ANNUAL REPORT - 1995**

**EXECUTIVE MEMBERS**

Robert Peacock, Chair, (Fond du Lac)  
Dallas Ross, Vice Chair (Upper Sioux)  
Loretta Gagnon, Secretary, (At-Large)  
Paula J. Claymore, Treasurer, (At-large)

**COUNCIL MEMBERS**

Gary Donald, Bois Forte  
Norman Dechampe, Grand Portage  
Alfred R. Pemberton, Leech Lake  
Roger Prescott, Lower Sioux  
Marge Anderson, Mille Lacs  
Curtis Campbell, Sr., Prairie Island  
Bobby Whitefeather, Red Lake  
Stanley Crooks, Sr., Shakopee-Mdewak  
Darrell Wadena, White Earth

**URBAN INDIAN ADVISORY COUNCIL**

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

**EX-OFFICIO MEMBERS**

Governor Arne Carlson  
Senator Cal Larson, Fergus Falls  
Representative - Tom Hackbarth, Cedar  
Senator Jane Ranum, Minneapolis  
Representative - Karen Clark, Minneapolis  
Senator Sandy Pappas, St. Paul  
Representative - Robert Johnson, Bemidji  
Frank Wood, Commissioner of Corrections  
Linda Powell, Commissioner of Education  
R. Jane Brown, Commissioner of Economic Security  
Anne Barry, Commissioner of Health  
Maria Gomez, Commissioner of Human Services  
Katherine Hadley, Commissioner of the Housing Finance Agency  
Rodney Sando, Commissioner of Natural Resources  
Jim Gustafson, Commissioner of the Iron Range Resources and Rehabilitation Board  
David Beaulieu, Commissioner of Human Rights

**NOTE:** at the time of printing; three Representatives names were inadvertently left out of the list of Ex-officio members; we are sorry for the mistake and have inserted this addendum to correct the error. Thank you.

**State of Minnesota**  
**INDIAN AFFAIRS COUNCIL**  
**1995 ANNUAL REPORT**

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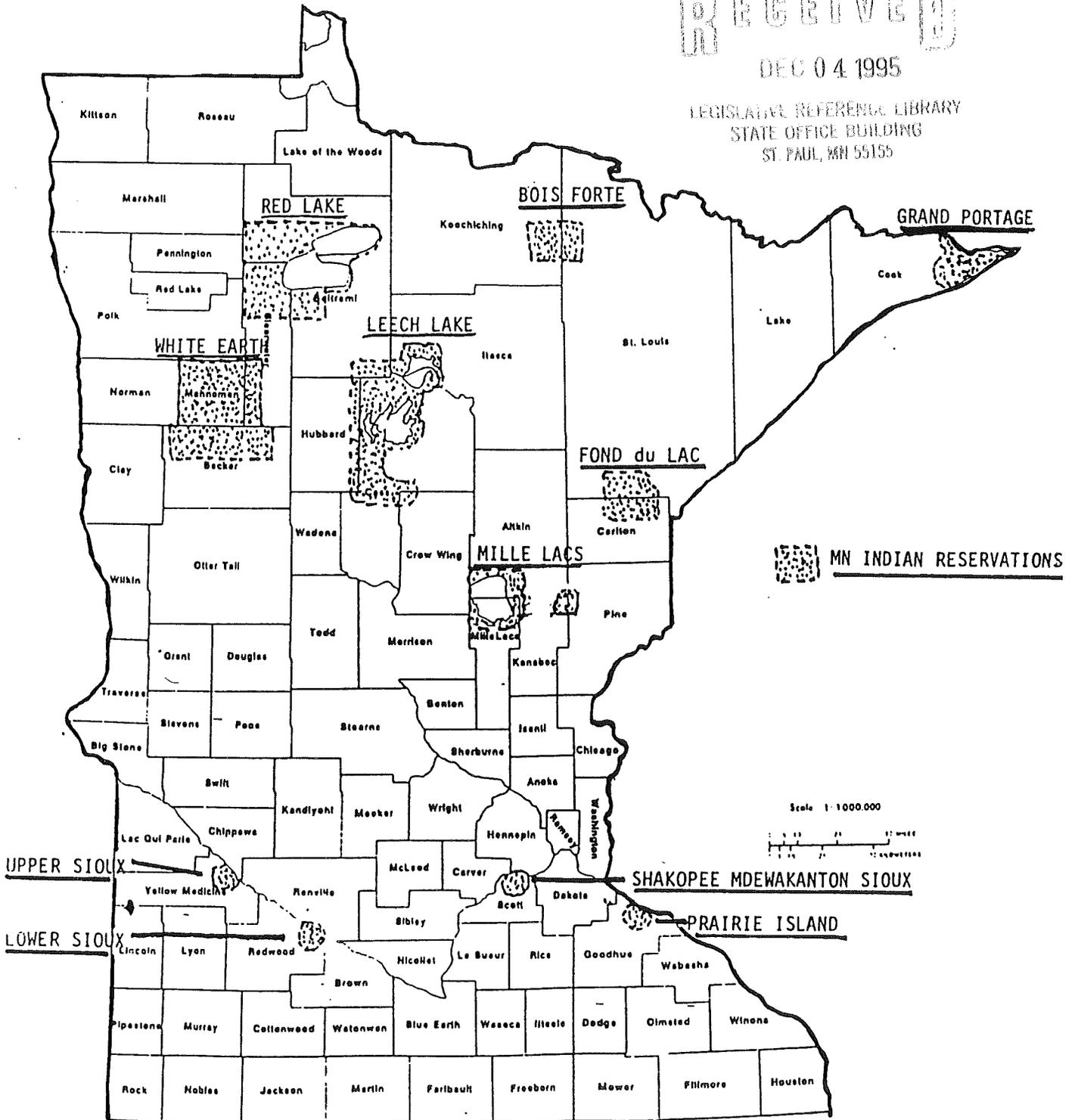


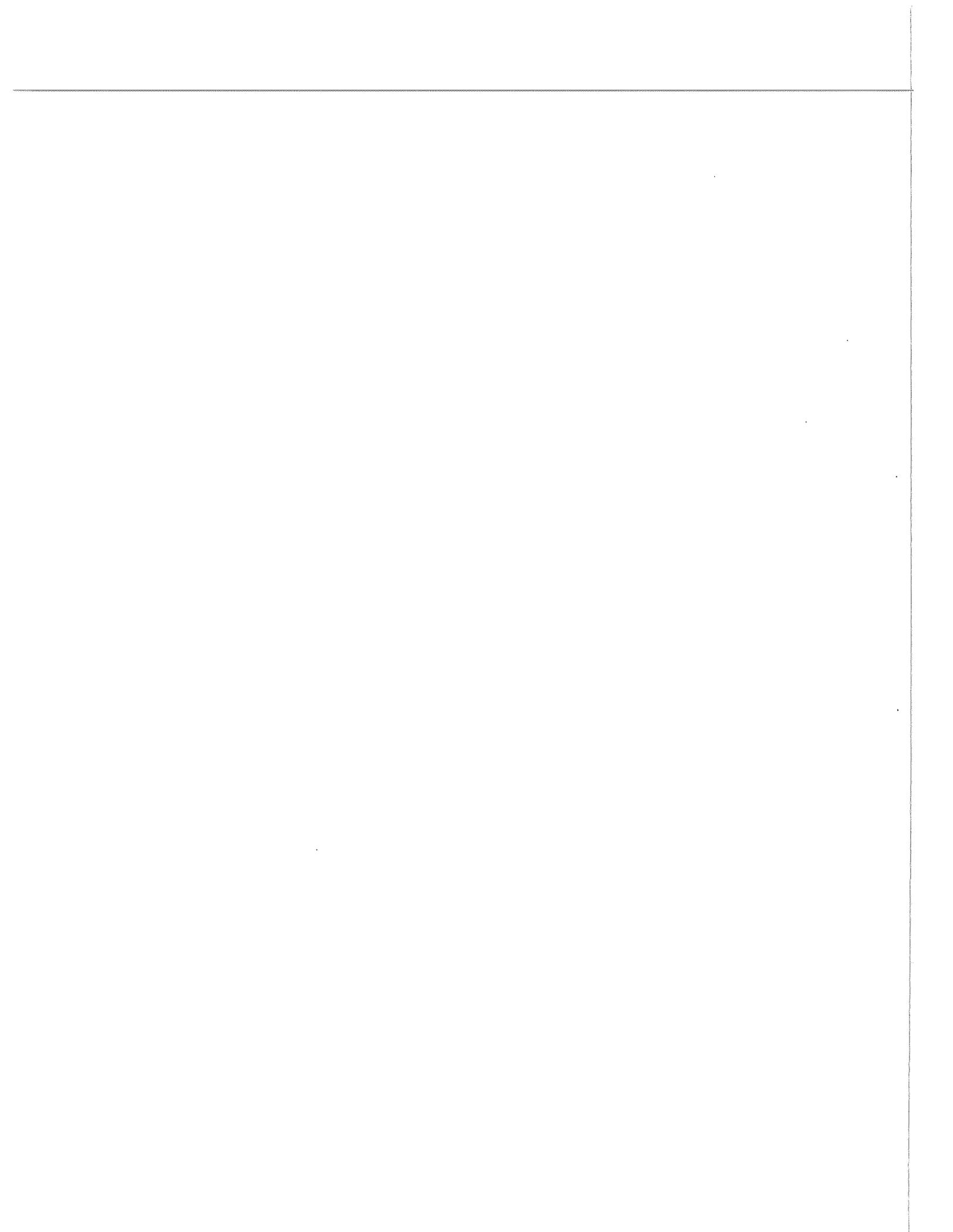
# MAP OF MINNESOTA INDIAN RESERVATIONS

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# DESCRIPTION OF MINNESOTA INDIAN RESERVATIONS

## Minnesota Chippewa (Ojibwa) Reservations

The Minnesota Chippewa (Ojibwa) Tribe is made up of Indian bands formerly described as the Mississippi, Pembina, Lake Superior, Pillager and Lake Winnebigoishish bands. In the 1800s and early 1900s, these bands were permanently located in northern Minnesota along the waters of the upper Mississippi River and along the shores of Lake Superior. The Ojibwa reservations are White Earth, Leech Lake, Bois Forte (Nett Lake), Grand Portage, Fond du Lac, and the Mille Lacs Band living in small communities in the Mille Lacs Lake area. The Chippewa bands were followers of hereditary chiefs and they each have a representative type of government.

A revised constitution and bylaws were adopted by the tribe and approved by the U.S. Secretary of the Interior on March 3, 1954. The revised constitution required the members of each of the six reservations to elect a Tribal/Reservation Business Committee (T/RBC) composed of a chairman, secretary-treasurer and three committee persons (representing specific districts in the area). The role of the T/RBC was to govern and serve the reservation. Each T/RBC is elected to serve four year terms; elections are held every two years to fill the positions of expired terms.

The Ojibwa Indians of the six reservations also organized as the Minnesota Chippewa Tribes under the Indian Reorganization Act of June 18, 1934. The chairman and secretary-treasurer of each of the Tribal/Reservation Committees form the 12 member Tribal Executive Committee who choose a president, vice president, secretary, and treasurer, and acts as the governing body for the parent organization, the Minnesota Chippewa Tribe. The tribe employs an executive director who maintains an office at the tribal headquarters in Cass Lake, and who serves under the direction of the Tribal Executive Committee.

## Bois Forte (Nett Lake) Reservation

Situated in the northern Minnesota counties of Koochiching and St. Louis, 40 miles south of the Canadian border, its Tribal headquarters are located in Nett Lake, MN 55772. The reservation; established by an 1866 treaty with the U.S. Government, has 30,035 tribally owned acres and 11,744 allotted acres. The acreage at Vermilion Lake was set aside as the Vermilion Lake Reservation by executive order on December 20, 1881. The Nett Lake area is famous for wild rice which is reserved for the reservation tribal members.

## Fond du Lac Reservation:

The reservation is near Cloquet, about 15 miles west of Duluth, in Carlton and St. Louis counties, with its tribal headquarters located in Cloquet, MN 55720. Established by U.S. Government treaty in 1854, the reservation has 4,213 tribally owned acres and 17,154 allotted acres. The majority of the land is forest; the balance is classed as agriculture and/or other types and have a few lakes and streams on the reservation.

## Grand Portage Reservation:

Located in the extreme northeast corner of Minnesota in Cook County, its tribal headquarters are located in Grand Portage, MN 55606. The Treaty of 1854 established the reservation which today has 37,390 tribally owned acres and 7,283 allotted acres. Located in one of the most scenic settings on Lake Superior, it has the Grand Portage National Monument within its borders.

### **Leech Lake Reservation:**

Located in the north central Minnesota counties of Beltrami, Cass, Hubbard and Itasca, its tribal headquarters are in Cass Lake, MN 56633. Established by treaty with the U.S. Government in 1855, the reservation has 14,069 tribally owned acres and 12,693 allotted acres. Most of the land within the reservation is also located within the boundaries of the Chippewa National Forest.

### **Mille Lacs Reservation:**

The Reservation is located in the east central counties of Mille Lacs, Aitkin and Pine with its tribal headquarters near Onamia, MN 56359. Mille Lacs has its own community center, school and clinic. Established by an 1855 treaty the reservation has approximately 3,704 acres.

### **White Earth Reservation:**

Located in the northwestern Minnesota counties of Mahnommen, Becker, and Clearwater, its tribal headquarters are in White Earth, MN 56591. An 1867 treaty with the U.S. Government established the reservation which owns 56,116 acres tribally and allotted land to individual members.

The tribal council owns a fish hatchery, a freeze-dried bait operation, a sawmill, construction business, building supply company, firewood processing company, a garment manufacturing company, and a garage. Has its own conservation department, which determines the hunting and fishing seasons as well as regulations regarding its natural resources, reseeding operation and monitors wild rice growth, the fifth leading economy on the reservation. In 1983 the White Earth reservation became the first reservation in the nation to have a congregate housing complex. It has its own Indian Health Service clinic and two Bureau of Indian Affairs contract schools.

### **Red Lake Reservation:**

The Red Lake Reservation is located in the northern Minnesota counties of Beltrami and Clearwater with tribal headquarters in Red Lake, MN 56671. Unique among the Ojibwa reservations, Red Lake never ceded, by treaty, to the U.S. and is not part of the Minnesota Chippewa Tribe. The Red Lake Band was the first group to organize in Minnesota under a written constitution in 1918 when a General Council was established as the governing body. Unlike the other Chippewa bands, the Red Lake Band did not accept the Indian Reorganization Act of 1934. Red Lake is a closed reservation and, therefore, was not open to homestead entries and the land has not been allotted to individual Indians.

The tribe owns 636,954 acres. The band also owns scattered tracts of land extending up to the Canadian border including some of the Northwest Angle. The total area is the size of Rhode Island and encloses lower and part of Upper Red Lake, a body of water that is the third largest fresh water lake within the boundaries of the U.S. All land is held communally by the Red Lake Band and is locally governed by an eleven member tribal council elected to four year terms of office. The council is the legislative body of the band and operates under a constitution and by-laws approved by the U.S. Secretary of the Interior and the Bureau of Indian Affairs.

The Red Lake Band have their own tribal court and police force; own and operate their own sawmill, mini-mall and trading post and a fishery industry: they have reclaimed 9,000 acres of wastelands now suitable for propagation of wild rice, trapping and duck hunting.

## **Minnesota Sioux (Dakota/Lakota) Reservations**

Of the seven tribes of the Sioux nation, four known collectively as the Santee or eastern Sioux remain in Minnesota. The Mdewakanton built their villages along the lower Mississippi and Minnesota rivers, the Wahpeton and Sisseton settled in the upper Minnesota Valley, and the Wahpekute lived a nomadic life along the Cannon, Cedar, and Blue Earth rivers.

The Southern Minnesota Sioux do not have recognized chiefs, hereditary or honorary. The governing body is the Community Council of the Reservation composed of five members who are elected to two year terms by qualified voters of the community. There are four Sioux reservations in the state.

### **Lower Sioux Reservation:**

The Reservation, located in Redwood County, abutting the Minnesota River, two miles south of Morton, MN 56270, its tribal headquarters, came into being during 1887 to 1893 when the U.S. Congress appropriated funds to purchase 623 acres of lands for the landless Minnesota Sioux. The land purchased during this period can only be assigned to those Mdewakanton Sioux who were residing in Minnesota on May 20, 1886 and their descendants. The reservation was organized under the Indian Reorganization Act and under the provisions of that act additional acres of land were purchased. Today the reservation owns 1,743 acres.

### **Prairie Island Reservation:**

Located in Goodhue County on the western bank of the Mississippi River some 14 miles north of Red Wing, its tribal headquarters near Welch, MN 55089; are mainly members of the Mdewakanton Band and are descendants of the Santee Sioux who remained in Minnesota at the time of the removal of the main band to Nebraska after the Sioux uprising. In 1891 about 120 acres were purchased at Prairie Island for the landless Mdewakanton residing in Minnesota on May 20, 1886.

Under the Indian Reorganization Act of 1934 an additional 414 acres were purchased for other Indian residents whose names appeared on the Minnesota Sioux rolls..

### **Shakopee Mdewakanton Reservation:**

The Shakopee-Mdewakanton Reservation known as the Prior Lake Reservation until its organization under the Indian Reorganization Act on November 28, 1969, is located entirely within the city limits of Prior Lake, in Carver County with its Tribal headquarters in Prior Lake, MN 55372 Its history parallels that of the other Minnesota Sioux relative to organization and settlement. The tribe owns 258 acres, the majority of which is cleared as agricultural land and the balance is timber, brush and other types.

### **Upper Sioux Reservation:**

The Reservation tribal headquarters is located five miles south of Granite Falls, MN 56241, 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 Provisions for Governing the Upper Sioux Community. The governing body is known as the Upper Sioux Community Board of Trustees, consisting of five members elected every four years who represent the community when negotiating with federal, state, and local governments.

**MISSION:**

The Indian Affairs Council (IAC) is the official liaison between the State of Minnesota government and Minnesota Indian tribal governments. The council is also advisor to the state on urban Indian issues and concerns.

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

The IAC is governed by the elected tribal chair of the eleven reservations throughout the state, and two at large members elected by federally recognized tribal members from other states. The IAC also has an Urban Indian Advisory Council (UIAC). The UIAC consists of two representatives from Minneapolis, two representatives from St. Paul, and one representative from Duluth.

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

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

**INDIAN AFFAIRS COUNCIL MEMBERS**

**Executive Members**

Robert Peacock, Chair, (Fond du Lac)  
Dallas Ross, Vice Chair (Upper Sioux)  
Loretta Gagnon, Secretary, (At-Large)  
Paula J. Claymore, Treasurer, (At-large)

**Council Members**

Gary Donald, Bois Forte  
Norman Dechampe, Grand Portage  
Alfred Pemberton, Leech Lake  
Curtis Campbell, Sr., Prairie Island  
Roger Prescott, Lower Sioux  
Marge Anderson, Mille Lacs  
Bobby Whitefeather, Red Lake  
Stanley Crooks, Sr., Shakopee- Mdewak  
Darrell Wadena, White Earth

**Indian Affairs Council Staff**

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

**Urban Indian Advisory Council**

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

**Ex-Officio Members**

Governor Arne Carlson  
Senator Cal Larson, Fergus Falls  
Representative - to be appointed  
Senator Jane Ranum, Minneapolis  
Representative - to be appointed  
Senator Sandy Pappas, St. Paul  
Representative - to be appointed  
Frank Wood, Commissioner of Corrections  
R. Jane Brown, Commissioner of Economic Security  
Linda Powell, Commissioner of Education  
Anne Barry, Commissioner of Health  
Maria Gomez, Commissioner of Human Services  
Katherine Hadley, Comm. of Housing Finance Agency  
Rodney Sando, Commissioner of Natural Resources  
Jim Gustafson, Commissioner of the IRRR Board  
David Beaulieu, Commissioner of Human Rights

## DUTIES OF THE INDIAN AFFAIRS COUNCIL

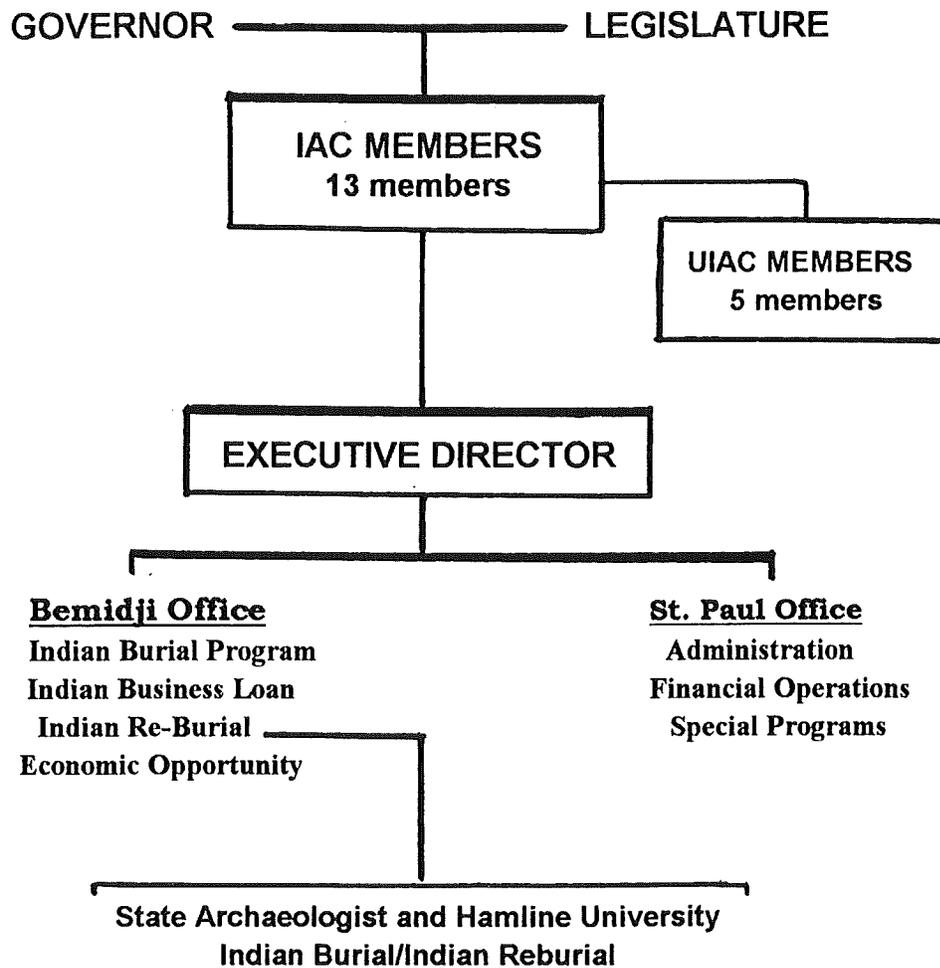
*The council shall:*

- 1). clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota;
- 2). assist the Secretary of State in establishing and election of at-large members of the council;
- 3). make recommendations to members of the legislature on desired and needed legislation to benefit the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;
- 4). provide, through the elected apparatus of the council, an effective conduit to the legislature for programs, proposals, and projects submitted by tribal governments, organizations, committees, groups or individuals;
- 5). provide a continuing dialogue with members of the tribal governments to improve their knowledge of the legislative process, state agencies, and governmental due process;
- 6). assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the Indian community;
- 7). assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;
- 8). assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;
- 9). act as a liaison between local, state, and national units of government in the delivery of services to the Indian population of Minnesota;
- 10). assist state agencies in implementing and updating studies of services to the Indian community;
- 11). provide, for the benefit of all levels of state government, a continuing liaison between governmental bodies and elected tribal governments and officials;
- 12). interreact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, as they affect state agencies and departments;
- 13). act as an intermediary, when requested and if necessary, between Indian interests and state agencies and departments when questions, problems, or conflicts exist or arise;
- 14). provide information for and direction to a program to assist Indian citizens to assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to Indian people;
- 15). develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for Indian persons who have been, are, or will be subject to prejudice and discrimination;
- 16). cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians throughout the state; and
- 17). Review data provided by the Commissioner of human services under section 257.072, subd 5, and present recommendations on the out of home placement of Indian children to the commissioner and the legislature by November 1 of each year.

ORGANIZATIONAL CHART

MN INDIAN AFFAIRS COUNCIL

July 1995



## INDIAN AFFAIRS COUNCIL: AGENCY DESCRIPTION

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

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

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

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

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

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

The Council prepares an annual report to the Governor and the Legislature on its activities, findings, and its recommendations; the report is due by November 15th of each year and copies of the report are made available to state agencies, tribal governments, and other interested parties.

Minnesota has long been considered one of the most progressive states in the nation relative to initiating programs that have far reaching effects, not only on American Indians in other states, but the nation as a whole. (See Summaries of Minnesota Statutes, pages 22-38)

## Minnesota Indian Demographics

1990 compared to 1995

Minnesota Population	U.S. Census <u>1990</u>	State Projections <u>1995 **</u>	Percent of Mn's Population	
			<u>1990</u>	<u>1995</u>
<b><u>Total Minn. Population</u></b>				
<b><u>by Race:</u></b>				
American Indian*	49,909	57,090	1.1%	1.3%
Other Minority Races	194,795	250,430	4.5%	5.5%
White	<u>4,130,395</u>	<u>4,220,060</u>	<u>94.4%</u>	<u>93.2%</u>
TOTALS	4,375,099	4,527,580	100.0%	100.0%
<b><u>Minn Population over 15 Years of Age</u></b>			<b><u>Percent over 15 years of age</u></b>	
American Indian	32,200	37,010	64.5%	64.8%
Other Minority Races	124,092	160,330	63.7%	64.0%
White	<u>3,222,870</u>	<u>3,313,240</u>	<u>78.0%</u>	<u>78.5%</u>
TOTALS	3,379,162	3,510,590	77.2%	77.5%
<b><u>Minn Population under 15 years of Age</u></b>			<b><u>Percent under 15 years of age</u></b>	
American Indian	17,709	20,080	35.5%	35.2%
Other Minority Races	70,703	90,090	36.3%	36.0%
White	<u>907,525</u>	<u>906,820</u>	<u>22.0%</u>	<u>21.5%</u>
TOTALS	995,937	1,016,990	22.8%	22.5%
<b><u>Age Groups under 15 years of Age</u></b>			<b><u>Percent by Age grp. under 15</u></b>	
<b><u>0 to 4 years old:</u></b>				
Amer. Indian	6,463	7,220	36.5%	36.0%
Other Races	26,967	32,800	38.1%	36.4%
White	<u>303,370</u>	<u>286,710</u>	<u>33.4%</u>	<u>31.6%</u>
TOTALS	336,800	326,730	33.8%	32.1%
<b><u>5 to 9 year olds:</u></b>				
Amer. Indian	6,104	6,360	34.5%	31.7%
Other Races	24,073	29,430	34.1%	32.7%
White	<u>315,663</u>	<u>304,580</u>	<u>34.8%</u>	<u>33.6%</u>
TOTALS	345,840	340,370	34.7%	33.5%
<b><u>10 to 14 years old:</u></b>				
Amer. Indian	5,142	6,500	29.0%	32.3%
Other Races	19,663	27,860	27.8%	30.9%
White	<u>288,492</u>	<u>315,530</u>	<u>31.8%</u>	<u>34.8%</u>
TOTALS	313,297	349,890	31.5%	34.4%

\*Indian includes Eskimo/Aleut

\*\*Projections by Mn State Demographer, "A Changing Population, the Next 30 years".

## 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 was 49,909; this data shows a 36.6% percent increase since 1980. Minnesota's American Indian population has grown faster than the United States average and faster than other Upper Midwest states.

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

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

### **AMERICAN INDIAN POPULATION ON RESERVATIONS: 1980 - 1990 - 1993**

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

\*Source: U.S. Census

\*\*Source: Bureau of Indian Affairs Labor Force Report

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

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

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

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

#### **POLICY ISSUES:**

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

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

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

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

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

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

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

## **SOCIAL INDICATORS**

The social indicators of the American Indian population in Minnesota continue to affirm a downward trend. Studies published in recent years show that among all communities of color in the state, American Indians fared very poorly, primarily in the areas of housing, employment, education, and health.

The misconceptions and lack of understanding of tribal structures, held by individuals, organizations and the general public, is that since the introduction of Casinos unto reservations in the state; all Indians are getting alot of money every month and therefore do not need any further programs. This information is not based on fact; a study of small reservations, where enrollments are not more than 100-200, indicate how they are able to provide monthly dividends to their enrolled members, whereas most reservations, with thousands of enrolled members, can only use the profits generated by casinos, to maintain, install or improve many of the services that the general public takes for granted.

### **Health**

1990 studies indicate that American Indians had the highest reported number of teen pregnancies born to mothers under 19 years of age. The infant mortality rate for American Indians was 12% compared to the overall population rate of 7.3%. The average life expectancy was 66.2 years for American Indian males compared to 72.6 years for whites. American Indian females average life expectancy is 74.5 compared to 80.3 for white females.

### **Poverty**

In 1989/90, 43.7% of the American Indian population was in poverty, compared to 30.9% of the U.S. American Indian population. In 1990, **12% of all children living in the state of Minnesota** lived in poverty. 55% of all American Indian children in the state lives in poverty, compared to 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.

### **Families**

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

### **Violence**

According to 1990 statistics: 1) the percentage of violent injury and death for children and youth was 30%; and 2) from ages 0-19, the percentage of all deaths that are violent or injury related include unintentional injuries, homicides and suicides. American Indians between the ages of 1-4 are four (4X) times as likely to die of accidents than whites; between the ages of 5-14, they are 2.3 times as likely to die of accidents than whites; and between the ages of 15-24 are 8 times more likely to die from homicide than whites. In 1990, American Indians died at the rate of 46 per 100,000 residents as compared to 1.7 per 100,000 for whites. The 1995 statistics are not in yet, but hospital and police records clearly indicate that the above numbers will increase as more and more organizations and health officials are becoming aware of their 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.

## **Employment**

The 1990 state unemployment rate was 4.8% compared to the United States unemployment rate of 5.5%. The five highest areas of unemployment in the state by region includes the Northwest (7.9%), Headwaters (7.6%), Arrowhead(6.65), Region 5 (7.8),and East Central(7.5%) areas of the state. The unemployment for communities of color in 1990 was over 15%. American Indian males(22%) and females (16%) have the highest unemployment rate for all races. In 1980, the percent of American Indians living below the poverty line was 30.1% This compared to 8.9% for whites, 26.6% for African Americans, 25.6% for Asians and 18.2% for Hispanics.

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.

## **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.

## **Other Issues:**

The Indian Affairs Council continues to participate in those issues which affect Indian people on a state wide basis; areas of gravest concern are those relating to human rights, targeted health issues such as services to the aged, homeless, HIV/AIDS information, prevention and service, teenage pregnancy, smoking cessation, violence and alcohol and drug abuse.

## **HIV/AIDS Prevention**

HIV/AIDS information and prevention continues as a special program effort. The number of cases of HIV/AIDS cases continues to grow. June, 1992 data indicated that there were 388 American Indian AIDS cases in the United States. 1995 statistics show that there are 2,615 AIDS (including 1,586 deaths); and 2,129 cases of HIV (non-AIDS) in Minnesota; of that number, 64 HIV cases and 40 AIDS cases relate to American Indians. The Indian Affairs Council will continue to encourage and be involved in HIV/AIDS prevention programs.

## **Chemical Dependency**

Chemical dependency is not only an on-going concern of the Mn Indian Affairs Council, but the nation as a whole. The Chemical Dependency Program Division within the state, communicates with our agency on needs and legislative action and has again contracted with our agency to act as a conduit for projects targeted specifically to establishing programs or systems which could be interwoven, when necessary, with other on-going programs in order to provide a stable base which will encourage and maintain complete recovery from chemical and drug abuse. Support, involvement and implementation of special projects will greatly affect the mental and economic stability of the family unit as a whole.

## **INDIAN AFFAIRS COUNCIL**

**The Indian Affairs Council is directly responsible for programming efforts that include the areas of: Indian burial, Re-burial, Indian Business Loans, Indian Economic Opportunity Programs and Special Projects administered by this agency. The following provides an overview of those program efforts for fiscal year 1995.**

### **Indian Burial/Re-Burial Program**

The state government of Minnesota, through the Indian Affairs Council, was one of the first states to initiate laws to protect Indian burial remains and those possessions that accompany an Indian burial. Indian burial remains are duly protected under the "Private Cemeteries Act and Indian Burial law" (M.S. 307.08). Any willful removal of such remains is a felony.

The Indian Affairs Council works with the State Archaeologist in carrying out the provisions of Mn. Stat. 307.08; those responsibilities include; rescue, identification, protection and re-burial of human remains. The Council also reviews State Archaeological License applications required to conduct field work for various projects within the state; 79 individual project licenses were assessed and issued during FY 95; this number also includes multiple (umbrella) projects.

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

### **Minnesota Native American Reburial Project (MNARP)**

This project began in Fiscal Year 1991, with special legislative funding to the Minnesota Indian Affairs Council. The purpose of the project was four-fold: 1) to identify American Indian human remains existing in the collections of various institutions in the State; 2) to create an inventory and data base 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; and 4) arrange reburial ceremonies.

Minnesota has been the repository for a number of Indian tribes passing through or settling here for a 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 and stored in various institutions throughout the State. The primary objective of the initial stage of reburial was the development of an inventory of the remains to properly establish tribal identification. Priorities for reburial were established as well as securing the various burial sites, three sites are scheduled for reburial in July. The intent of the reburials is to address issues of identification in the most expeditious manner so that the remains are re-interred as soon as possible to their appropriate locations.

We are working with the archaeological and anthropology scientific communities in an effort to identify these remains and return them to the proper Indian communities, for reburial. The Council has worked with spiritual people in sensitizing other agencies and organizations in the proper way to handle remains and possessions which show respect for the deceased. The Council has requested the release of 2,500 Indian remains from the University of Minnesota and 68 individual remains from the Science Museum of Minnesota for the purposes of reburial. Our goal is to re-bury those remains that have been stored on shelves, boxes and on display in museums in as respectful and dignified a manner as possible.

Before the Minnesota Indian Re-burial project was undertaken in Fiscal Year 1991, 157 individual remains had been re-buried during the years 1978 through 1989. In the years the project has been in force, more than 1,000 individual Indian remains have been identified and have been reburied. Two

reburials were completed in June, 1995 for a total of twenty two individuals; these included remains from the Rooney Mound reburied at Sibley State Park. The remains from New London were reburied at their original site. Nearly 30 new cases of human remains representing nearly 50 individuals are investigated each year through funding provided by the council's budget; these include burials recently and accidentally disturbed; and human remains that have been in the possession of private citizens, museums and county historical societies.

We have protected both existing recorded sites; requested and received, cooperation to test for unrecorded and/or suspected sites so they can be recorded and protected as they are found: the Bayport Indian Burial Site is a good example:

- 1) The Minnesota Department of Natural Resources sold 245 acres of the Bayport Wildlife Management area to the Andersen Window Corporation. The Indian Affairs Council, in cooperation and consultation with the Minnesota Historical Society, was required to immediately do a field investigation of this site to identify any Indian burial grounds and complete an archaeological survey of the area. The Council had to work with developers to ensure that construction plans do not adversely impact Indian burial sites.

State and private agencies such as The Minnesota Historical Society, Department of Transportation and the Department of Natural Resources have been very cooperative in assisting with the provisions of Mn. Stat. 307.08. Our agency has also worked in cooperation with federal agencies such as the U.S. Army Corp. of Engineers, U.S. Forest Service and U.S. Bureau of Indian Affairs in the active protection of cemeteries and archaeological sites in Minnesota. Staff of the Council are involved in the planning process for archaeology in Minnesota for the future.

A recently enacted Federal Law "Native American Graves Protection and Repatriations Act (Public Law 101.601) should help enforce the Indian Affairs Council's responsibilities to protect Minnesota Indian burial sites and return Indian human remains and burial goods to their rightful tribal affiliations. The purpose of this new federal law is to return certain objects to tribes which should never have left those tribes. These four (4) categories include: 1) human remains and associated grave goods; 2) unassociated funerary objects; 3) sacred objects that could be used by traditional religious practitioners; and 4) objects of cultural patrimony (i.e. wampum belts, etc.). These efforts to return Indian materials to their proper Indian tribes will be coordinated with the Minnesota Historical Society (MHS) which, when they hold objects that they believe are Ojibway/Dakota, will notify tribes so they can identify them. If a tribe/band has no adequate storage facilities, MHS will curate for them, as they have areas where tribal people can come to use these objects at their discretion.

The primary focus of the Indian Affairs Council as we enter a new fiscal year; will be to inform the public about the law, proper handling and protection of Indian remains and proper procedures to follow when sites are accidentally uncovered or discovered.

The following pages contain a summary of reburials and number of individuals reburied during the past five (5) years (FY91-FY95). During the five years of the project, a total of 876-911 individuals have been reburied. An additional 36-95 individuals are scheduled for reinterment this fall (1995) pending a 30 day Notice of Intent to repatriate published in the Federal Register. Before the implementation of the MNARP; reburials were carried out under the initiative of the MIAC and the State Archaeologist's Office, utilizing a portion of the modest legislative appropriation to the State Archaeologist's office. Revisions to the Private Cemeteries Act in 1978 mandated equal treatment of all human remains in Minnesota. Between 1978 and 1990, approximately 157 individuals were reburied. The resulting total of 1,033-1,068 American Indians reburied to date represents a significant accomplishment of the MNARP.

This total can be compared to the reburial program in the neighboring state of Iowa, which has had a fully funded Burial Program as part of the Iowa Office of the State Archaeologist since 1977. In the eleven (11) years between 1977-1992, the Iowa Burial Program has reburied 496 American Indian individuals. An additional 112 individuals are scheduled for reinterment between 1993-97. The Iowa total of 496 individuals represents less than half (48%) of the number of individuals that have been reburied in Minnesota.

**Summary of Indian Remains Reburied Since Implementation of the  
Minnesota Native American Reburial Project (MNARP): 1990 thru 1995**

<b>DATE (mm/da/yr)</b>	<b>SITE(S) REBURIED</b>	<b>NO. OF INDIVIDUAL S</b>	<b>REBURIAL LOCATION</b>
8/21/90	Hogback Site (21HU01)	12	Redwing Cemetery
9/27/90	Misc. sites, curated at Hamline University	63	Mounds Park in St. Paul
10/8/90	Misc. sites, curated at Hamline University	27	Itasca State Park
10/31/90	Brown Co.	1	Private property; original place of burial
8/9/91	Fort McClellan Individual	1	Morton, MN
9/5/91	Smith Site (21KC03) McKinstry Site (21KC02)	350	Smith Mound 4, at Grand Mound Interpretive Park, International Falls
10/24/91	Misc. sites, curated at Hamline University	9	Lake Shetek State Park
10/24/91	Meeker county; remains accidentally disturbed	1	Privately owned property in Meeker county
6/15/92	Stumne Mounds (21PN05) Vach I (21PN08) Winter's (21PN17)	23-29	Stumne Mound 6 (21PN05)
6/29/92	Misc. sites in Beltrami county	12	Lake Andrusia Cemetery
10/21/92	Schocker (21BL01)	22-27	Lake Andrusia Cemetery

10/21/92	White Oak Pt. Mds. 1 & 4 (21IC01)	95	Schoolcraft State Park
6/17/93	Misc. sites, curated at Hamline University	16	Redwing Cemetery
6/17/93	Site near Marine-on-St. Croix	5	Privately owned property near Marine- on-St. Croix
6/29/93	Osufsen Mound (21IC02)	94	Schoolcraft State Park
summer, 1993	Misc. sites curated at Hamline University	3	Lake Andrusia
10/14/93	Orwell (21OT 7)	24	Maplewood State Park
10/14/93	Misc. sites curated at Hamline University	6	Maplewood State Park
10/28/93	Kolander Site	25-31	Talcot Lake Wildlife Area
6/21/95	Rooney Mound (21PO13)	18-20	Sibley State Park
6/27/95	New London (21KH101)	2	New London - Private Residence
7/19/95	Christensen Mound (21SH01)	50-60	Sand Dunes State Forest, Ann Lake Campground
7/20/95	Fort Sweney (21GD86)	6-8	Redwing Cemetery
7/21/95	Albert Lea Lake (21FE01)	12	Myre - Big Island State Park

\* Total number of individuals reburied since beginning of MNARP is between 876 and 911.

\*\* An additional 157 individuals were reburied prior to the first fiscal year of MNARP

The total number of individuals reburied in Minnesota is between 1,033 and 1,068.

### **Indian Business Loan Program**

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

Funds for this revolving Loan program come from twenty percent (20%) of the Severed Mineral Rights taxes that are collected by counties each year (the other 80% stays within the county). This dedicated 20% amounts to .08 cents per acre, and is deposited into a special revenue fund for Indian Business Loans. The total amount deposited into the fund averages approximately \$89-90,000 per year; this total, less administrative costs, is distributed among the eleven (11) Indian reservations in the state. The loan amounts available to each individual tribe is allocated based on percentages agreed upon by all the tribal councils.

These Loan funds are administered by the Indian Affairs Council. When an eligible Indian applies for a business loan, the application is forwarded to the Indian Affairs Council for review of appropriate documentation. If all information is present, the application is sent to the appropriate tribal council where applicant is enrolled; the tribal council then makes a prudent decision on whether to approve or reject the application. 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 under this program. Regular financial information is required, such as balance sheets, income and expense projections, cash flow statements and a good business plan which must show a reasonable chance for success.

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

Regular loan officer duties also include furnishing year-end reports of these monies to each reservation; executing site visits to clients; providing a six month report to individual reservations regarding loan activities and payments received, and meeting with reservation staff. Financial responsibilities of the Indian Business Loan Program which are executed by the St. Paul office include maintaining separate records of all Severed Mineral tax monies forwarded by counties and entering loan repayments.

In Fiscal Year 1995 (July 1, 1994 through June 30, 1995) the Indian Affairs Council received 10 applications for Indian business loans. Seven new loans were approved and disbursed for a total of \$94,822. The smallest loan was for \$4,250 and the largest for \$23,103. Four loans were paid in full during Fiscal Year 1995.

In 1995; the mineral tax collected and deposited into the Indian Business Loan account totaled approximately \$89,000; while loan payments returned \$63,602 to this revolving loan fund.

Since the first Indian Business loan was approved in June of 1981, 86 loans have been made for a total of \$1,535,003 in loans provided to Indian businesses in the state. These dedicated monies, have a wide ranging impact in terms of the types and number of businesses that are assisted, both on and off the reservation. Minnesota is the only state to have initiated a program such as this.

The Loan Officer has been working closely with the Attorney General's Office to initiate the appropriate legal actions to collect on over-due loans. Financial recovery has been made from several borrowers who were in default on their business loans and we are continuing our efforts in this area.

## **Indian Economic Opportunity Program**

The Indian Affairs Council continues to maintain an annual interagency agreement with the Department of Economic Security to provide information and technical assistance to Indian Reservations in Minnesota.

A subgrant of \$57,000 of Federal monies is provided each year from the Department of Economic Security to the Indian Affairs Council to fund the activities involved in administering Federal and State Economic Opportunity programs. These subgrants provide funding for an Economic Opportunity Program Specialist to provide information and technical assistance to support a range of programs and activities that have an impact on the causes of poverty in the reservation communities. The Inter-agency agreement uses the Council's relations with Tribal governments to promote understanding of programs, identify problems, and recommend solutions for improvement so that established objectives of the respective programs are accomplished.

These Federal programs include:

- (a) Community Services Block Grant Basic Support (CSBG)
- (b) Community Services Block Grant Supplemental (CSBG)
- (c) Minnesota Economic Opportunity Grants (MEOG)
- (d) Head Start Program
- (e) Emergency Housing Program Grants (EHP); and
- (f) Temporary Emergency Food Assistance (TEFAP)

Contracts and Allocations for the various grant programs are awarded to eleven reservation tribal governments based on the most recent census count available to the State of Minnesota. For some grants, base funding to provide administrative capability is added to the allocations. In most instances, grant awards based solely on population counts do not begin to meet the needs of most reservations. For this reason, coordination of grant planning among Community Services administered grants is essential, as is the mobilization of supplemental resources.

This is the 14th year the Community Services Block Grant has funded the position of an Economic Opportunity Specialist 3; this employee's schedule calls for maintaining work hours at the Indian Affairs Council's office in Bemidji as well as office hours every other week at the Department of Economic Security office in St. Paul.

Each grantee (Reservation) is required to submit a workplan based on Community Needs Assessment and the identification of prioritized needs as determined by that assessment process; a description of the service delivery system targeted to low income individuals and families within the areas; a coordination plan which describes how the grantee has conferred with and established working relationships with area service providers and how this collaborative approach will impact on the low income people progress geared toward self-sufficiency. The Reservation Tribal Council officials are responsible for providing a range of services and activities consistent with the goals and objectives of the Community Service Block Grant. There must be on-going assurance that all these economic opportunity programs follow Federal regulations, instructions and policies. State agencies implement whatever internal policies are necessary to manage the programs in the most efficient and accountable manner.

### **Activities**

Through the position of the Economic Opportunity Specialist, the Council is involved in the activities administered by the Community Services Grants. Duties include: working with each of the eleven reservations who have contracted for program services: review of grantee files and records for each reservation for all grants; assessment of (i) financial audit reports; (ii) progress reports; (iii) client reports; and (iii) determination that grantees are invoicing on a timely basis.

The Economic Opportunity Specialist also provides technical assistance regarding invoicing procedures: Grantee Assessment Review (GAR), and Emergency Food Assistance Program reviews as well as reviewing base documents that must be on file for continued grantee eligibility and contract compliance and training of new staff.

Site visits to reservation grantees have proved to be essential in: enhancing communication between the Community Services and the Tribal governments; assessing local efforts to increase productivity and self-sufficiency and in assessing program activities necessary to manage the contracts in the most efficient and accountable manner. Telephone contact on a regular basis assists grantees in providing updated relevant material needed for continued contract activity. The beginnings of the state and federal fiscal year are naturally busier times, because of application submission. Desk monitoring activities have included regular review of grantee files and records.

This past year finds Reservation Grantees experiencing significant changes in the grant application procedures and the identification of prioritized needs, goals, objectives and measurable outcomes are being developed.

### **Goals and Objectives**

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

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

### **Special Programs:**

While participating in a number of activities as part of its overall mission, the Indian Affairs Council has come to be recognized, and utilized, as a storehouse and clearinghouse for information and projects as they relate to Indians in Minnesota. As a data base 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 and which often fall into a "Special projects" category. These projects are often funded for no more than one year; considered short term in duration and therefore are not housed within the umbrella of the Indian Affairs Council for any more than 1 year. The Indian Affairs Council is also called upon to enter into Inter-agency agreements with other state agencies in order to develop activities or programs that will benefit the Indian community in areas not now being addressed.

These "Special Programs"; often initiated by other state agencies, call for the Council to act as a conduit for administration and financial services, thereby making it possible for smaller projects to begin establishing identities of their own and are thus able to implement programs based on their merits as a group or organization; an example of these activities are the following programs:

#### **1. Ombudsperson for Families**

In fiscal Year 1994, the Council received an appropriation for the development and support for the Ombudsperson for Indian families position and development of the ombudsperson advisory board; as a result of this involvement, beginning with Fiscal Year 1995, all Ombudsperson offices were merged into one agency for better coordination of information and activities; the Ombudsperson for Indian Families is no longer located within the Indian Affairs Council office. Ombudsperson for Indian Families has broad powers and has the authority to investigate issues of out-of-home placement, compliance, and also is mandated by law, to make recommendations to the legislature and governor, on the status of out-of-home placement of American Indian children.

#### **2. Healthy Nations:**

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

#### **3. Alcohol and Other Drug Prevention Council:**

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

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

## SUMMARY

### ACTIONS of the 1995 LEGISLATURE - STATUTES ENACTED Pertaining to Minnesota Indians and Tribal programs and services

NOTE: SUMMARY ONLY: see current Statutes for exact language

#### A. Chapter 2, First Special Session, Section 45, Subd. 8

BATTLE POINT HISTORIC SITE: Some changes were made to the 1994 law, Chap. 643, and \$350,000 was appropriated for the design of the Battle Point Historic Site.

The new law reads as follows: Notwithstanding laws 1990, chapter 610, article 1, section 17, the planned educational center will be owned by independent school district No. 115, Cass Lake-Bena, and is subject to Minnesota Statutes, section 16A. 695. The center must be constructed on land leased to the school district by the Leech Lake Band of Chippewa Indians under a ground lease having an initial term of at least 20 years and a total term of 40 years, including renewal options. The school district must contract with the Leech Lake Band to operate the center on the behalf of the council. The center and all classes and programs run through the center must be open to the public.

#### B. K-12 Education Bill, Chapter 3, First Special Session, Article 3, etc.

AMERICAN INDIAN TEACHER EDUCATION GRANTS: Augsburg College and the St. Paul School District were added to the list of education institutions eligible to receive grants which will assist American Indians to become teachers and also provides for additional education for American Indian teachers.

INDIAN TEACHER EDUCATION LOANS: For Indian educators who receive educational loans under the Indian Education Teacher Loan Program, the amount of the principal to be forgiven each year they teach, was raised from one-fifth to one-fourth. And loans of \$2,500 or less may be forgiven at a rate of up to \$1,250 per year.

EMINENCE CREDENTIALS: Under the new law, traditional Indian people teaching Indian culture and language but do not have a college degree, may apply for an Eminence Teaching Credential. Specific language reads: All persons applying for a license under this section must submit to the board a resolution or letter of support signed by an American Indian tribal government or its designee. All persons holding a license under this section on the effective date of this section, must have on file or file with the board, a resolution or letter of support signed by a tribal government or its designee by January 1, 1996, or the next renewal date of the license thereafter.

AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAMS: Appropriations: \$591,000 for FY year 1996 and \$591,000 for FY 1997; for grants to American Indian language and culture education programs.

AMERICAN INDIAN EDUCATION: Appropriations: \$175,000 for FY 1996 and \$175,000 for FY 1997 for American Indian Education programs in school districts. Up to the following amounts may be distributed to the following schools and school districts for each fiscal year: \$54,800 Pine Point School; \$9,800 to independent school district No. 166, Cook County; \$14,900 to independent school district No. 432, Mahnomen; \$14,200 to independent school district No. 435, Waubun; \$42,200 to independent school district No. 707, Nett Lake; and \$39,100 to independent school district No. 38, Red Lake. These amounts must be spent only for the benefit of American Indian pupils and to meet established state educational standards or statewide requirements.

AMERICAN INDIAN POST-SECONDARY PREPARATION GRANTS: Appropriations: \$857,000 for FY 1996 and \$857,000 for FY 1997.

AMERICAN INDIAN SCHOLARSHIPS: \$1,600,000 for FY 1996 and \$1,600,000 for FY 1997 is appropriated for this Indian scholarship program.

INDIAN TEACHER PREPARATION GRANTS: \$190,000 for FY 1996 and \$190,000 for FY 1997 was appropriated for these grants, with:

Up to \$70,000 each year for a joint grant program to the University of Minnesota, Duluth and the Duluth school district.

Up to \$40,000 each year for a joint grant program for each of the following:

- \* Bemidji State University and the Red Lake school district;
- \* Moorhead State University and a school district located within the White Earth Reservation;
- \* Augsburg College, independent school district No. 625, St. Paul, and the Minneapolis district.

TRIBAL CONTRACT SCHOOLS: Appropriations: \$238,000 for FY 1996 and \$316,000 for FY 1997 for Tribal Contract School aid.

EARLY CHILDHOOD PROGRAMS AT TRIBAL SCHOOLS: Appropriations: \$68,000 for FY 1996 and \$68,000 for FY 1997 for early childhood family education programs at tribal contract schools.

PINE POINT SCHOOL: The Pine Point School, located on the White Earth Reservation, was re-authorized for two more years.

PINE POINT SCHOOL: The reporting date to the legislature for the Pine Point School was changed from December 1. of each year to January 15, of each odd numbered year.

NEW DEPARTMENT OF CHILDREN, FAMILIES AND LEARNING (DCFL): The legislature, at the request of the Governor, abolished the Minnesota Department of Education and established a new Department of Children, Families and Learning; included in the creation of this new department are the following programs and actions:

- \* The Headstart Program (previously administered by the Department of Economic Security) was transferred to the new Department.
- \* Community Action Agencies programs (previously administered by the Department of Education) were transferred to the new Department.
- \* The Early Childhood Care and Education Council, child care programs, and the Child care service Development Program, and the Child care Resource Referral Program, all of which were under the Department of Human Services were transferred to the new DCFL.
- \* The Child Abuse and Child Victims program (previously administered by the Department of Corrections) was transferred to the new DCFL.

**PARTNERSHIP PLANNING TEAM AND FAMILY ADVISORY GROUP:** As part of the new Department of Children, Families and Learning, the Commissioner of Education shall select an advisory team of not more than 15 persons, who are knowledgeable about providing service to children and families, to serve on the partnership planning team.

The partnership planning team must include: representatives from community-based organizations primarily serving communities of color; county boards; school boards; community action agencies; and parents, all of whom shall represent a broad cross-section of income groups, racial and ethnic groups, and ages of children.

**NETT LAKE SCHOOL:** Appropriations: \$62,000 for FY 1996 and \$62,000 for FY 1997 are for grants to the Nett Lake School system: \$32,000 each year are to pay for insurance premiums and \$30,000 each year are for obligations of the school district for unemployment compensation. These appropriations must be paid to the appropriate state agency for the above stated purposes in the name of the school district.

**TEACHER PREPARATION CURRICULUM:** Current Teacher Training Requirements were changed to include Indian History; for beginning elementary and social studies teachers. The new law reads as follows:

- \* The State Board of Teaching, with the assistance of the Indian Education Committee, shall include in the curriculum, for preparing all beginning elementary and social studies teachers, the history, government, and culture of Minnesota-based American Indian Tribes.

**C. Chapter 53, Natural Resources (Squaw) Name Change Bill**

**RELATING TO INDIANS:** Requires the Commissioner of Natural Resources to change certain names of geographic areas/features of the state. On or before July 31, 1996, the commissioner of natural resources shall change each name of a geographic feature in the state that contains the word "squaw" to another name that does not contain this word. The commissioner shall select the new names in cooperation with the county boards of the counties in which the feature is located and with their approval.

**D. Chapter 77, Section 1, Private Sale of Tax Forfeited Land; Grand Portage**

**RELATING TO STATE LANDS:** Authorizes the private sale of certain tax-forfeited lands bordering public waters in Cook and St. Louis counties. Notwithstanding Mn. Statutes, sections 92.45 and 282.081, subdivision 1, and the public sale provisions of Mn. Statutes, chapter 282, Cook county may sell, by private sale, to the Grand Portage Band of Chippewa Indians, the lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

**E. Chapter 164, Section 23, Subd. 3, Health Occupations and Professionals (M.S. 148C.11)**

**RELATING TO HEALTH OCCUPATIONS AND PROFESSIONS:** Alcohol and drug counselors licensed to practice alcohol and drug counseling according to standards established by federally recognized tribes, shall, while practicing under tribal jurisdiction, be exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals licensed under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

**F. Chapter 207, Health and Human Service**

**CHEMICAL DEPENDENCY:** Appropriations of \$2,265,000 for FY 1996 and \$265,000 for FY 1997 are for American Indian chemical dependency grants and Chemical Dependency Special Grants.

INDIAN ELDERS: Funding for the Minnesota Board on Aging shall provide staff out of the available appropriation to support the Indian Elders coordinator position.

INDIAN CHILD WELFARE DEFENSE CORPORATION: \$100,000 is appropriated from the general fund to the Commissioner of Human Services for the purpose of providing compliance grants to an Indian Child Welfare Defense Corporation.

INDIAN CHILD WELFARE PRIMARY SUPPORT GRANTS: Tribal social service agencies located off-Reservations are now eligible to receive primary support grants to implement the Indian family Preservation Act.

COMPULSIVE GAMBLING: Up to \$175,000 of the 1995 appropriation for compulsive gambling program, shall remain available for the development and implementation of outcome evaluation, and treatment effectiveness research in the biennium ending June 30, 1997.

#### **G. Chapter 212, Higher Education Bill**

NURSING GRANTS: Appropriations: \$250,000 for FY 1996 and \$250,000 for FY 1997 is for matching grants to recruit and provide grants to nursing students who are persons of color: \$100,000 each year shall be for the recruitment and retention of students of color in nursing programs leading to licensure as a registered nurse.

FOND DU LAC COMMUNITY COLLEGE: Appropriations: \$40,000 for FY 1996 and \$40,000 for FY 1997 for the Fond Du Lac Community College to recruit, advise and retain American Indian students.

MERGER: Included in the amendments to the state law affecting the merger of Minnesota colleges and universities, is the following language pertaining to the Fond du Lac campus located on the Fond du Lac Reservation:

The Fond du Lac campus has a unique mission among two-year colleges: to serve the lower division general education needs in Carlton and south St. Louis counties; and the education needs of American Indians throughout the state, especially in northern Minnesota. Altho the college is governed by the Board of Trustees; its governance is accomplished in conjunction with the Board of Trustees of the Fond du Lac tribal college. By July 1, 1995, the board of trustees and the board of directors of the Fond du Lac tribal college shall implement the mechanism necessary to accomplish the sharing of authority while ensuring accountability for college actions. These mechanisms shall supersede any previous arrangement, agreement, or memorandum of understanding.

#### **H. Chapter 226, Criminal Justice**

INDIAN PUBLIC DEFENSE CORPORATIONS: Funding in the amount of \$904,000 for FY 1996 and \$904,000 for FY 1997 are for grants to the five existing public defense corporations.

#### **I. Chapter 220, Environment and Natural Resources - Appropriations**

MISSISSIPPI HEADWATERS BOARD: Appropriations: \$17,000 for FY 1996 and \$17,000 for FY 1997 are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.

1837 TREATY: Appropriations: \$300,000 for FY 1996 and \$300,000 for FY 1997 is for resource population surveys in the 1837 treaty area: \$100,000 each year is from the Game and Fish fund.

LOCAL RECREATION GRANTS: \$1,800,000 was appropriated to provide matching grants to local units of government for recreation and conservation projects: for purposes of this statute, Tribes are considered local units of government.

UPPER SIOUX AGENCY STATE PARK: \$200,000 is appropriated to provide bathroom and shower facilities at the Upper Sioux Agency Park.

TRI-COUNTY LEECH LAKE WATERSHED PROJECT: Appropriation: \$300,000 is for an agreement with Cass County in cooperation with the Tri-county Leech lake Watershed Project for integrated resource management in the watershed through base line data, public information, education, and pilot projects.

REDWOOD FALLS SCHOOL DISTRICT ENVIRONMENTAL EDUCATION PROJECT: \$250,000 is appropriated for an agreement with the Redwood Falls school district to accelerate development of an outdoor environmental learning center and to integrate environmental education into the K-12 curriculum. Project development will also include prairie access improvements including a trail system, establishment of a wetland, and an arboretum.

#### **J. Chapter 224, Trade and Economic Development Appropriations**

MINNESOTA EQUAL OPPORTUNITY GRANTS: Appropriation: \$7,000,000 for FY 1996 and \$7,000,000 for FY 1997 for the MEOG grant program. Tribal Indian Community Action Programs are also eligible for these grants.

URBAN INDIAN HOUSING: \$187,000 for FY 1996 and \$187,000 for FY 1997 are for the Urban Indian Housing Program.

TRIBAL INDIAN HOUSING: \$1,683,000 for FY 1996 and \$1,683,000 for FY 1997 are for the Tribal Indian Housing Program.

STATE ARCHAEOLOGIST: Appropriations: \$104,000 for FY 1996 and \$104,000 for FY 1997 to fund the operations of the State archaeological duties performed through the Minnesota Historical Society.

ENERGY: Appropriations: \$588,000 for FY 1996 and \$588,000 for FY 1997 are for programs administered by the Commissioner of Economic Security to improve the energy efficiency of residential oil-fired heating plants in low-income households and, when necessary, provide weatherization services to homes. Tribal governments are eligible to apply for these funds.

INDIAN AFFAIRS COUNCIL: Section 26, \$508,000 was appropriated for FY 1996 and \$463,000 for FY 1997 for general operating expenses to the Indian Affairs Council. For the Biennium ending June 30, 1997, federal money received for the Indian Affairs Council is appropriated to the Council and added to this appropriation. The Indian Affairs Council shall conduct a study of the Council's membership and operations and submit a report to the Legislature by February 1, 1996, (Section 35).

MUSEUM AND CENTER FOR AMERICAN INDIAN HISTORY: The 1994 bonding appropriation of \$1,100,000 to construct an American Indian History Center in Bemidji, Minnesota was transferred from the Minnesota Historical Society to the Minnesota State College and University Board.

#### **K. Chapter 234, MinnesotaCare**

Amendments to the MinnesotaCare included the following language pertaining to Indian Reservations and managed care implementation plans. Prior to enrollment for medical assistance or general assistance, medical care recipients residing on an Indian Reservation; the Commissioner shall consult with representatives of the Indian reservation relative to developing a plan to implement managed care in that community, and shall present this implementation plan to the Legislature and to the legislative Commission on Health Care Access.

**L. Chapter 256, Section 32, White Earth, Mahnomen**

COMMUNITY SERVICE CENTERS: A grant to independent school district No. 432, Mahnomen, to construct a community service center at Nay-Tah-Waush in Mahnomen county on the White Earth Indian Reservation. The center must be constructed on land leased to the school district by the White Earth Band of Chippewa Indians under a ground lease having an initial term of at least 20 years and a total term of at least 40 years, including renewal options. The school district must contract with the White Earth Band to operate the center on behalf of the school district for the term of the lease and any renewal options, and are otherwise subject to new Minnesota Statutes, section 16A.695. The center and all the services provided by the center must be open to the public. This grant is contingent on a match of \$1,300,000 from the White Earth Band of Chippewa Indians.

**M. Chapter 261, Gambling**

TESTING LABORATORIES: Current state law was amended to allow the state of Minnesota to license testing laboratories to be located in the state of Minnesota. Currently, James Meda, from New Jersey, does all testing of machines located in Tribal casinos. Under the new law, the testing laboratory could be located and licensed in the state of Minnesota.

VENDOR LICENSING: Current state law was amended to allow the Department of Public Safety to issue temporary permits for the purpose of displaying gambling devices at trade shows, conventions or other events where gambling devices are displayed.

**N. Chapter 265, Article 2, Section 2, Subd. 7(D), Grand Portage**

GRAND PORTAGE RESERVATION, Minnesota Trunk Highway (T.H.) 61, transfer excess right-of-way not needed by the Department Of Transportation to reservation lands.

## SUMMARY

### **Actions of the 1994 LEGISLATURE - STATUTES ENACTED Pertaining Specifically to Indians in Minnesota, Tribal Programs and Services**

**NOTE: Summary Only; see current Statutes for exact language**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OVERVIEW OF EXISTING MINNESOTA STATUTES**  
**Specifically Related To Indians and Tribal Programs and Services**  
**NOTE: Summary only; see current statutes for exact language**

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

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

**3.9221 Gambling, Tribal-State Compacts, Negotiations**

Provides for a negotiated agreement between tribes and the state for the regulation of Class III gambling on Indian lands. The Attorney General is the legal counsel for the Governor or the governor's representatives in regard to negotiating a compact. If the governor appoints designees to negotiate, the designees must include at least two members of the Senate and two members of the House of Representatives, two of whom must be the chairs of the Senate and House of Representatives standing committees with jurisdiction over gambling policy.

**13.761 Indian Affairs Council Data**

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

**16B.06 Sovereignty**

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

**69.011, subdivision 1**

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

**84.09-15 Conservation of Wild Rice**

Provides Indians with the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations. Violators of the provisions of this section shall be guilty of a misdemeanor. A second conviction within three years will revoke licensing for one year after conviction.

**97A.151 Leech Lake Indian Reservation Agreement**

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

**97.155 Amendments to Leech Lake Indian Reservation Agreement**

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

**97A.157 1854 Treaty Agreement**

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

**97A.161 Agreement with the White Earth Indians**

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

**97A.165 Source of Payments for Indian Agreement**

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

**103C.301 Initial Election of Supervisors**

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

**116.722 Legal and Technical Assistance to Indian Tribes**

In accordance with Minnesota Statutes, 116C.72, no person shall construct or operate a radio active waste management facility within the state of Minnesota unless expressly authorized by the legislature. If an Indian tribe has jurisdiction over part of a potential impact area within the state, requests by the tribe for legal or technical assistance shall be provided by the environmental quality control board.

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

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

**116C.773 Sec. 4 Contractual Agreement**

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

**116C.774 Sec. 5 Authorization**

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

**116J.64 Loans to Indians**

Twenty percent of the revenue received from taxation of severed mineral interests by county auditors goes to the State Treasurer and is deposited into a special revenue fund called the "Indian Business Loan Account". This is a business loan program and provides financial assistance to establish or expand a business in the state: is available to eligible Mn-based Indians both on and off the reservations; and is under the jurisdiction of the Indian Affairs Council

**116J.645 Minnesota Natural Wild Rice Promotion Council**

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

**116J.873 Economic Recovery Grants**

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

**116K.08 Land Use Planning Grants to Reservations**

Improves the land use decision making capability of local governments in the form of grants by the commissioner. The grants are made available to the Metropolitan Council with mandatory transfer of funds to towns, counties, municipalities and Indian reservations.

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

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

**124.278 Minority Teacher Incentives**

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

**124.48 Indian Scholarship Committee**

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

**124.481 Indian Post Secondary Preparation Grants**

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

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

Authorizes each American Indian controlled contract or grant school authorized by the United States Code of Federal Regulations, Title 25, Section 450f, located on a reservation within the state, to receive tribal contract or grant aid. A school receiving such aid is also eligible to receive early childhood family education revenue for parents and children who are enrolled or eligible for enrollment in a federally recognized tribe.

**125.62 Grants to Prepare Indian Teachers**

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

**125.623 Teachers of Color**

Provides the commissioner of education, in consultation with the multi-cultural advisory committee, to award incentive grants to school districts for the recruitment and professional development of teachers of color in the fields of education, including early childhood and parent education. Grant applicants must fit the criteria established by statute.

**126.45 to 126.55 American Indian Education Act**

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

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

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

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

Provides grants to students of color entering or enrolled in an educational program that leads to licensure as a registered nurse. Grants must be \$2,500 per year. Each school, college, or program of nursing shall agree that the money awarded through this grant program must not be used to replace any other grant or scholarship money for which the student would be otherwise eligible.

**137.16 University of Minnesota, Morris Branch**

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

**138.35 State Archaeologist Appointment**

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

**138.38 Reports Of State Archaeologist**

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

**138.40 Cooperation of State Agencies, Development Plans**

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

**138.58 State Historic Sites; Registry, Privately Owned Lands**

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

**138.585 Native American Monument**

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

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

**138.661-6691 Historic Sites and Places**

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

**138.95 Native American Memorial Plans**

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

**144.401 Community Prevention Grants**

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

**144.4165 Tobacco Products Prohibited in Public Schools**

No person shall at any time, smoke, chew, or otherwise ingest tobacco or a tobacco product in a public school, as defined in section 210.05, subd. 2. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 257.351, subd. 9.

**145.14 Health Grants**

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

**148C.11 Subdivision 3 Federally Recognized Tribes and Private Nonprofit Agencies with a Minority Focus.**

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

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

- 1) are members of ethnic minority groups; and
- 2) are employed by those agencies, whose primary agency service focus addresses ethnic minority populations.

These licensing criteria may differ from the licensing criteria specified in section 148C.04. To develop these criteria, the commissioner shall establish a committee comprised of, but not limited to, representatives from the council on hearing impaired, the Spanish-Speaking affairs council, the council on Asian Pacific Minnesotans, the council on black Minnesotans, and the Indian Affairs Council.

**148C.11 Subdivision 5** The licensing of city, county, and state agency chemical dependency counselors shall be voluntary. City, county, and state agencies employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.

**152.02 Peyote, Use by American Indian Church and Members**

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

**241.80 American Indian Counseling Program**

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

**245.75 Federal Grants**

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

**245.765 Reimbursement of County for Indian Welfare Costs**

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

**245.98 Contribution by Tribal Gaming**

The commissioner of human services is authorized to enter into an agreement with the governing body of any Indian tribe located within the boundaries of the state of Minnesota that conducts either class II or class III gambling, as defined in section 4 of the Indian Gaming Regulatory Act, Public Law Number 100-497, for the purpose of obtaining funding for compulsive gambling programs.

**246.44 Pipestone Indian School**

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

**251.17 Indians, Facilities for Treatment**

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

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

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

**254.031 American Indian Programs**

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

**254A.02 American Indian Defined**

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

**254A.03 Alcoholism and Drug Abuse Programs**

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

**254A.035 American Indian Advisory Council**

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

**254A.086 Culturally Targeted Detoxification**

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

**254.814 Liability Insurance for Licensed Providers-Foster Homes**

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

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

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

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

**257.0755 Office of Ombudsperson; Creation, Qualifications; Functions**

Each ombudsperson for families shall be appointed to operate independently from, but in collaboration with of each of the following groups: the Indian Affairs Council, the Spanish Speaking Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. Each ombudsperson shall monitor agency compliance with the all laws governing child protection and placement, as they impact on children of color. Selection; Qualifications; The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768.

**257.0768 Community-Specific Boards.**

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

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

**257.35 to 257.3579 Indian Family Preservation Act**

Establishes criteria and protocol for child placement of Indian children who are members of an Indian tribe or Alaskan Native; also includes definitions, application process, grants, eligibility, placement records, licensed child placement criteria, monitoring, continued legal responsibility of local social service agencies, etc.

**257.3573 Subdivision 2 Revenue Enhancement**

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

**259.29 Tribal Enrollment**

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

**260.241 Termination of Parental Rights**

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

**268.6751 Allocation of Wage Subsidy Money**

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

**268.881 Jobs and Training Plans**

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

**270.60 Tax Refund Agreement with Indians**

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

**290.01 Taxes**

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

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

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

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

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

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

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

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

**307.08 Burial Grounds**

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

**307.082 Civil Actions Against Violators of Burials**

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

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

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

**340A.311 Liquor Brand Registration**

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

**340A.4055 Licenses in Indian Country**

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

**462A.07 Housing Finance Agency Programs**

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

**517.18 Marriage Solemnizations for American Indians**

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

**611.216 Criminal and Juvenile Justice Grants**

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

**626.90 Law Enforcement Authority of Mille Lacs Band of Chippewa Indians**

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

**INDIAN AFFAIRS COUNCIL APPROPRIATIONS: FY 1995**

Report: July 1, 1994 through June 30, 1995

Indian Affairs Council	343,000	
Indian Affairs Board	9,000	
Indian Burial	16,000	
Indian Re-Burial	<u>90,000</u>	
<b><u>TOTAL</u></b> appropriations	<b>453,000</b>	<b>453,000</b>
Special Revenue - Fund 20		
Indian Business Loan Program	231,000	<b>231,000</b>
Indian Rese $\epsilon$ in Economic Opportunity Program	<u>57,000</u>	<u>57,000</u>
Federal - Fund 30		
SubTotal	\$ 740,000	\$ 740,000

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

Funded by Subgrants of Federal monies from Minn. Dept of Human Services

Healthy Nations: Oct, 1993-Sept, 1994  
FY 95: Dept of Human Services-  
Federal - Fund 30                      20,000                      20,000

Alcohol & Other Drug Prevention Council: Oct 1993 - Sept, 1994  
FY 95: Dept of Human Services-  
Federal - Fund 30                      25,000                      25,000  
TOTAL: Federal Funds    \$ 45,000

Funded by grant from Minn. Historical Society  
Indian Burial Site - Bayport              12,000  
TOTAL: Special Revenue  
Fund 20    \$ 12,000

**TOTAL: Special Programs    \$ 57,000**

**TOTAL ALL FUNDS    \$ 797,000**

## INDIAN AFFAIRS COUNCIL

### BUDGET: FY 1996

Indian Affairs Council	\$ 343,000	
Indian Affairs Board	9,000	
Indian Burial	16,000	
Indian Re-Burial	90,000	
Expedite Re-Burials	<u>50,000</u>	
<b>TOTAL: General Fund</b>	<b>\$ 508,000</b>	<b>\$ 508,000</b>
Indian Business Loan Program	231,000	231,000
Reservation Economic Program	57,000	57,000
<b>TOTAL ALL PROGRAMS</b>		<b>\$ 796,000</b>

### Appropriations Made by the 1995 LEGISLATURE

	<u>FY 1996</u> <u>Appropriation</u> <u>Details</u>	<u>FY 1997</u> <u>Appropriation</u> <u>Details</u>
Indian Affairs Council	343,000	348,000
Indian Affairs Board	9,000	9,000
Indian Burial	16,000	16,000
Indian Re-Burial	90,000	90,000
Expedite Re-Burials	<u>50,000</u>	<u>--- 0 ---</u>
<b>TOTAL Appropriation Requested</b>	<b>508,000</b>	<b>463,000</b>
Indian Business Loan Program Special Revenue	231,000	231,000
Reservation Economic Program Federal - Fund 30	<u>57,000</u>	<u>57,000</u>
<b>TOTAL All Regular Programs</b>	<b>796,000</b>	<b>751,000</b>