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1997 Annual Report

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Minnesota Indian Affairs Council

1997 Annual Report

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RESOLUTION 72078

WHEREAS the term "Native American" is sometimes used in reference to American Indian people, and

WHEREAS any person born in the United States is a Native American and not necessarily an American Indian, and

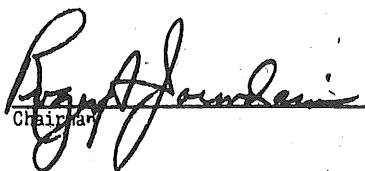
WHEREAS many Indians believe it is inappropriate and offensive to refer to an American Indian as a Native American, and

WHEREAS the Constitution of the United States uses the term Indian in reference to tribes and tribal members,

NOW THEREFORE BE IT RESOLVED that the Minnesota Indian Affairs Intertribal Board hereby deplores the use of the term "Native American" when used in reference to American Indians, and

BE IT FURTHER RESOLVED that the Board officially requests Minnesota news media and agencies of government to refer to members of federally recognized tribes as "American Indians" or "Indians, and

BE IT FURTHER RESOLVED that the staff is directed to distribute copies of this resolution to the appropriate people.


Chairman


Secretary

July 20, 1978
Date

The above resolution was adopted on a vote of ten for and none against at a meeting of the Minnesota Indian Affairs Intertribal Board at the State Government Center in Bemidji on July 20, 1978.

Surviving In the 20th Century

A Snapshot of 1997 Native America

"The utmost good faith shall always be observed towards Indians: their lands and property shall never be taken from them without their consent."
Congress, 1789

"No wrong will ever be done to you by our nation."
Thomas Jefferson, 1804

"This administration intends to restore tribal governments to their rightful place among governments..."
Ronald Reagan, 1983

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

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

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

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

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

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

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

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

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

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Indian Affairs Council

1997 Report

Council Description and Background Information

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

Vision Statement

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

Mission

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

Minnesota Indian Affairs Council -- At-Large Membership

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

Urban Indian Advisory Council

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

Indian Affairs Council Members

Executive Board

Chairman

Chairman Dallas Ross
Upper Sioux Community
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Granite Falls, MN 56241
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Fax: (320) 564-2547
email address: kolson@inet-serv.com

Vice-Chairman

Chairman Bobby Whitefeather
Red Lake Band of Chippewa Indians
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Red Lake, MN 56671
Phone: (218) 679-3341
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Secretary

Loretta Gagnon
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Fax: (612) 293-5193

Treasurer

Chairman Eugene "Bugger" MacArther
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White Earth, MN 56591
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Fax: (218) 983-3641

Member:

Acting Chair Doris Isham
Bois Forte Reservation
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Nett Lake, MN 55772
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Fax: (218) 757-3312

Member:

Chairman Roger Prescott
Lower Sioux Community
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Morton, MN 56270
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Member:

Chairman Robert "Sonny" Peacock
Fond du Lac Reservation
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Chief Executive Officer Marge Anderson
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Member:

Chairman Norman Deschampe
Grand Portage Reservation
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Member:

Chairman Darrell Campbell
Prairie Island Mdewakanton Community
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Executive Board (continued)

Member:

Chairman Eli Hunt
Leech Lake Reservation
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Cass Lake, MN 56633
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Member:

Chairman Stanley Crooks, Sr.
Shakopee-Mdewakanton Community
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Member:

Harlan La Fontaine
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Urban Indian Advisory Council

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Roy James Roberts
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Representative Edgar Olson
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The Duties of the Minnesota Indian Affairs Council

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

Liaisons from State Agencies to Minnesota Indian Affairs Council

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Indian Mental Health Division
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Indian Affairs Council Staff

Bemidji Office -- Headquarters

Joseph B. Day

Executive Director

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

Theresa Flocken Wilson

Loan Officer

A White Earth band enrollee, Theresa served in the Women's Army Corps from 1968 to 1970. She graduated from Bemidji State University in 1992, earning a Bachelor of Science degree in business Administration, with a field of emphasis in small business management. She worked for the Minnesota Chippewa Tribe's Native American Business Development Center after college, and joined the Indian Affairs Council in 1994. Theresa is the president of the Northwest Indian OIC, a non-profit organization that helps the economically disadvantaged. She and her husband (the at-home parent) are parents of the Leech Lake Satellite home, an extension of the Northwest Minnesota Juvenile Center.

Jim Jones, Jr.

Cultural Resource Specialist

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

Katherine Pemberton

Economic Opportunity Specialist 3

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

June Kendall***Secretary***

June is enrolled in the Bois Forte Band of Chippewa. She spent much of her life in Maryland where she worked as a Proposal Support Specialist for a telecommunications firm in McLean, Virginia. She moved to Minnesota in 1993. Prior to joining the staff of the Indian Affairs Council in May 1997, she worked as a secretary in Minneapolis.

St. Paul Office -- Financial, Legislative and Special Programs**Charlotte White*****Executive Assistant***

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

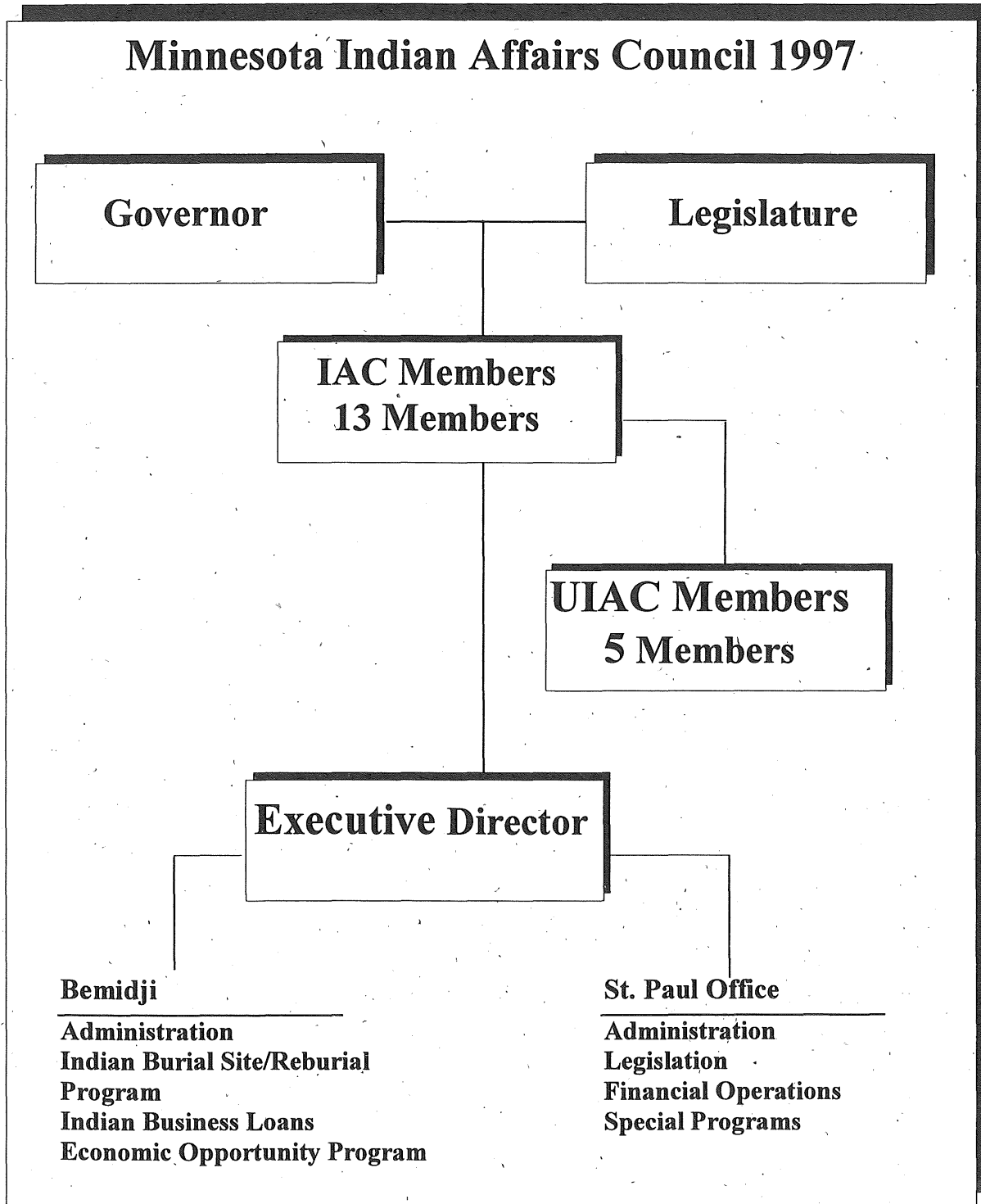
Sharon Romano***Staff Assistant***

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

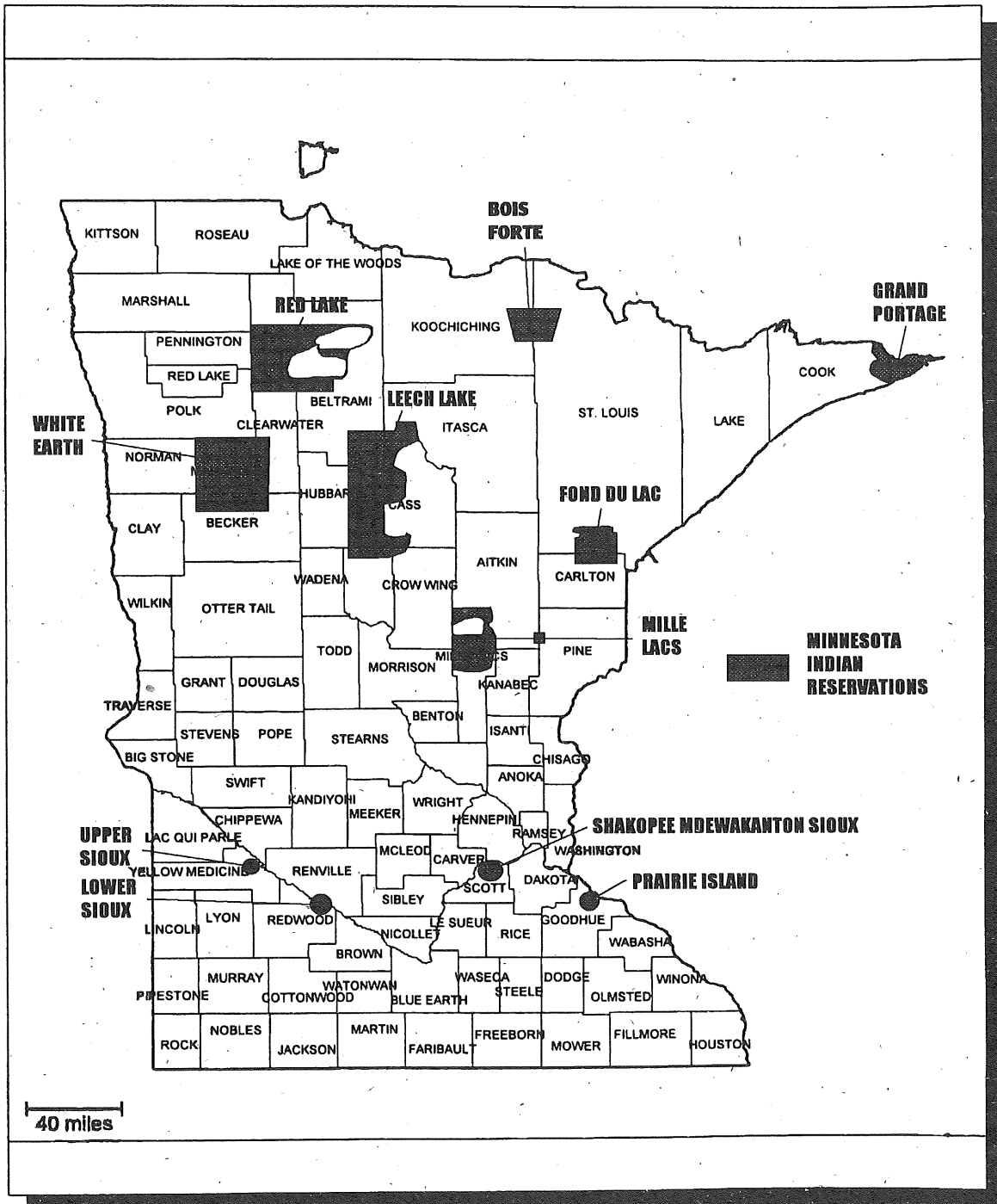
Lucretia E. Klenk***Secretary***

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

Organizational Chart



Map of Minnesota Indian Reservations



Description of Minnesota Indian Reservations

Minnesota Chippewa (Ojibwe) Reservations

The Minnesota Chippewa (Ojibwe) Tribe is made of nations formerly described as Mississippi, Pembina, Lake Superior, Pillager and Lake Winnebigoish bands. In the 1800's, these bands were permanently located in Northern Minnesota along the shores of the Upper Mississippi River and Lake Superior. These Ojibwe reservations are White Earth, Leech Lake, Bois Forte (Nett Lake), Grand Portage, Fond du Lac, and the Mille Lacs Bands. Minnesota Chippewa Tribal government was through the leadership of hereditary chiefs until 1934, except for the Red Lake Nation, which is a closed reservation, changed their constitution in 1958.

The Ojibwe Indians of the six reservations banded together as the Minnesota Chippewa Tribe 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 (TEC). They elect a president, vice president, secretary, and treasurer, which act as the governing body of the organization. The Minnesota Chippewa Tribe employs an executive director who maintains an office at the tribal headquarters in Cass Lake, and serves under the direction of the Tribal Executive Committee.

A revised constitution and bylaws were adopted by the tribe and approved by the U.S. Secretary of Interior on March 3, 1964. The revised constitution requires 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 from various districts, to govern and serve the reservation. Each RBC is elected to serve four year terms. Staggered elections are held every two years to fill the positions of expired terms.

Minnesota Dakota (Sioux) Reservations

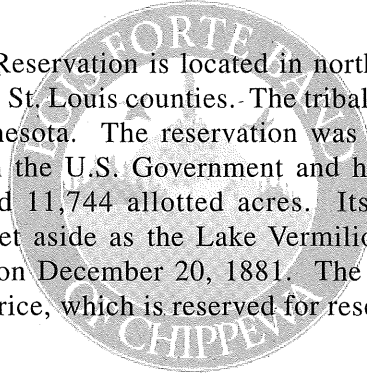
Of the seven tribes of the Sioux nation, four known collectively as the Santee or eastern Sioux remain in Minnesota. The Mdewakanton built their villages along the lower Mississippi and Minnesota Rivers, the Wahpeton and Sisseton settled in the upper Minnesota Valley, and Wahpekute lived a nomadic life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

The Government 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 Minnesota.

Bois Forte (Nett Lake)



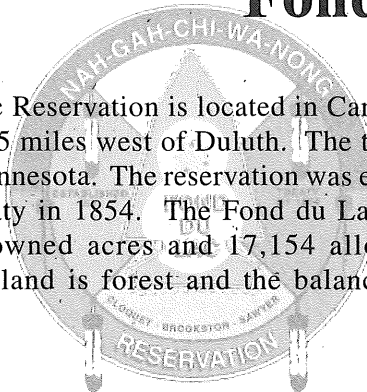
The Bois Forte Reservation is located in northern Minnesota in Koochiching and St. Louis counties. The tribal headquarters is in Nett Lake, Minnesota. The reservation was established by an 1866 treaty with the U.S. Government and has 30,035 tribally owned acres and 11,744 allotted acres. Its acreage at Lake Vermilion was set aside as the Lake Vermilion Reservation by executive order on December 20, 1881. The Nett Lake area is famous for wild rice, which is reserved for reservation members.



Fond du Lac



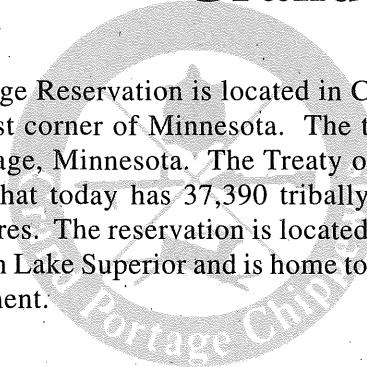
The Fond du Lac Reservation is located in Carlton and St. Louis counties about 15 miles west of Duluth. The tribal headquarters is in Cloquet, Minnesota. The reservation was established by U.S. Government treaty in 1854. The Fond du Lac Reservation has 4,213 tribally owned acres and 17,154 allotted acres. The majority of the land is forest and the balance is classified as agricultural.



Grand Portage



The Grand Portage Reservation is located in Cook County in the extreme northeast corner of Minnesota. The tribal headquarters is in Grand Portage, Minnesota. The Treaty of 1854 established the reservation that today has 37,390 tribally owned acres and 7,283 allotted acres. The reservation is located in one of the most scenic settings on Lake Superior and is home to the Grand Portage National Monument.



Leech Lake



The Leech Lake Reservation is located in north central Minnesota in the counties of Beltrami, Cass, Hubbard, and Itasca. The tribal headquarters is in Cass Lake, Minnesota. The reservation was established by treaty with the U.S. Government in 1855. The Leech Lake Reservation has 14,069 tribally owned acres and 12,693 allotted acres. Most of the reservation land is located within the boundaries of the Chippewa National Forest. Leech Lake markets traditionally harvested wild rice and operates other businesses on the reservation. Chief Bug-O-Nay-Shig school is operated by the RBC and provides K-12 Education for many of the reservation children.

Mille Lacs



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

White Earth



The White Earth Reservation is located in the northwestern Minnesota counties of Mahnomon, Becker, and Clearwater. The tribal headquarters is in White Earth, Minnesota. An 1867 treaty with the U.S. Government established the reservation. The tribe owns 56,116 acres and allotted land to individual members.

The tribal council operates a fish hatchery, a freeze-dried bait operation, a sawmill, construction business, building a supply company, firewood-processing company, a garment manufacturing company, and a garage. Their own conservation department determines the hunting and fishing seasons, and regulates its natural resources. They also monitor and reseed wild rice, 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



The Red Lake Reservation is located in the northern Minnesota counties of Beltrami and Clearwater with tribal headquarters in Red Lake, Minnesota. Unique among the Ojibwe reservations, Red Lake never ceded land 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. All land is held in common by the members of the Band.

The tribe resides on 636,954 acres of aboriginal land. The band owns scattered tracts of land extending up to the Canadian border including most of the Northwest Angle. It amounts to an additional 156,690 acres for a total of 825,654 acres, larger than the state of Rhode Island. Red Lake is America's largest fresh water lake wholly contained within one state. 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 large mini-mall and trading post, sawmill and a fishery industry. They have reclaimed 9,000 acres of wetlands now suitable for propagation of wild rice, trapping and duck hunting.

Lower Sioux



The Lower Sioux Reservation is located in Redwood County, two miles south of Morton, Minnesota. The 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



The Prairie Island Reservation is located in Goodhue County on the western bank of the Mississippi River some 14 miles north of Red Wing. The tribal headquarters is located near Welch, Minnesota and has members mainly of the Mdewankanton Band. Member 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 was purchased at Prairie Island for the landless Mdewankanton residing in Minnesota on May 20, 1886. Under the Indian Reorganization Act of 1934 an additional 414 acres was purchased for other Indian residents whose names appeared on the Minnesota Sioux rolls.

Shakopee Mdewakanton



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



Upper Sioux

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

Many Dakota died during those difficult

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

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

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

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

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

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

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

Demographics

The State of Minnesota has the twelfth largest American Indian population in the country. According to the 1990 census, the Minnesota American Indian population totaled 49,909. This data shows a 36.6% percent increase since 1980.

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

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

American Indian Population on Reservations: 1980, 1990, 1993

Reservations	1980*	1990*	1993**
Boise Forte	392	346	1,926
Fond du Lac	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-Mdewakanton	77	153	230
Upper Sioux	51	43	169
Vermillion Lake	103	87	not listed
White Earth	<u>2,554</u>	<u>2,759</u>	<u>4,395</u>
Total	9,898	12,402	22,193

*Source: U.S. Census

**Source: Bureau of Indian Affairs Labor Force Report

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

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

United States Resident Population Census

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

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

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

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

Policy Issues

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

This government-to-government relationship is recognized by the state when entering into agreements with tribal governments. Minnesota Statute Section 16B.06, subdivision 6 provides the following:

“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.”

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

The “trust” responsibility between the United States government and Indian tribes was created through treaties and agreements in which land was surrendered in exchange for the permanent protection of remaining lands/reservations and its tribal members.

Congress has unlimited authority to regulate Indian affairs and in so doing, has passed thousands of laws which strengthen and protect the rights of the American Indians. This trust responsibility is based on the unique political status of American Indians as provided by the Constitution of the United States under the Commerce and Treaty clauses. Only Congress has the authority to formulate the federal government’s Indian policies and programs to various federal agencies. The protection of the laws and rights of American Indian people is a primary objective of the Minnesota Indian Affairs Council.

Families

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

Poverty

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

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

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

Current development in federal domestic fiscal policies is increasing this disparity. The denial of tribal communities of the funding they need to overcome the centuries of deprivation, poverty, and neglect, has left them the poorest of the poor. The future progress in alleviating poverty; meeting the health and educational requirements; and fulfilling the economic needs of the American Indian people will depend upon state funding of these programs.

Education

Over the years, comparison of the school drop out rates for the entire state indicate that American Indians annual drop out rate averages 11-15% compared to 3.0% for all groups. Statistics indicate that American Indians and African Americans have the highest annual drop out rate in Minnesota, even though enrollment increased in all racial and ethnic groups in Metropolitan area schools. The percentage of students entering colleges and universities in 1988-90 indicated that American Indians were .8% of the total enrollment in all collegiate institutions in the state.

Employment

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

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

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

1996 Average Unemployment Rates for Minnesota Reservations	
Reservation	Rate
Boise Forte	19.1%
Deer Creek	5.2%
Fond du Lac	12.3%
Grand Portage	11.6%
Leech Lake	13.3%
Lower Sioux Community	10.0%
Mille Lacs	3.5%
Minnesota Chippewa Trust	0.0%
Prairie Island	50.0%
Red Lake	17.7%
Sandy Lake	0.0%
Shakopee-Mdewakanton	6.1%
Upper Sioux	0.0%
Vermilion Lake	35.3%
White Earth	11.0%

Source: Department of Economic Security/Research and Statistics

Chemical Dependency

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

Other Issues

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

Violence

According to 1990 statistics, American Indians between the ages of 1 and 4 years are four times as likely to die from accidents than whites. Between the ages of 5 and 14, they are 2.3 times more likely to die from accidents than whites. Between the ages of 15 and 24 they are 8 times more likely to die from homicide than whites. In 1990, American Indians died at the rate of 46 per 100,000 residents, compared to 1.7 deaths per 100,000 for whites. Hospital and police records indicate that the above numbers will increase, as more health organizations become aware of their reporting responsibility when violence is involved.

Crime

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

Indian Affairs Council

Specific Programs

Cultural Resource Program

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

The responsibilities under the law include rescue, identification, and reburial of human remains. The MIAC reviews archeological license applications to conduct fieldwork to determine if a burial or cemeteries are within a project area. The authority for the MIAC is contained in Minnesota Statute 138.31 "Field Archaeology Act".

Minnesota Native American Reburial Project (MNARP)

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

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

Throughout history, Minnesota has been a travel route for a number of Indian tribes passing through or settling here for short or long periods of time. The Indian Affairs Council has initiated a very comprehensive program for reburial of human remains of American Indian people that have been unearthed in the past; some of these remains have been stored in various institutions throughout the State. The first objective was the development of an inventory of the remains to properly establish tribal identification. Priorities for reburial were established as well as securing the various burial sites. The intent of the reburials is to address issues of identification in the most expeditious manner so that the remains are re-interred as soon as possible to their appropriate locations.

Federal Native American Graves Protection and Repatriation Act (NAGPRA)

The Federal Law "Native American Graves Protection and Repatriations Act" (NAGPRA), Public Law 101.601, helps to 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
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 University of Minnesota which, until September 30, 1997 still held these objects that were affiliated with known tribal groups. The University of Minnesota has transferred these objects over to the MIAC.

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

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

The following pages contain a summary of reburials and number of individuals reburied during a five-year period FY91-FY95. During the project, a total of 876-911 individuals have been reburied. An additional 382 individuals are scheduled for reinterment. The American Indians reburied to date represents a significant accomplishment of the MNARP.

The completed NAGPRA inventory has been completed including the inventory/data base and determination of cultural affiliation when possible. The only step of the process is the notification of Tribes and transfer of remains to the appropriate individuals, tribal organizations or institutions. The consultations have also been started, by meeting with the Dakota NAGPRA Representatives and with phone conversations with the Iowa, and Otoe Tribes. The Council will continue to consult and repatriate all the human remains back to tribal communities.

**Total Remains Reburied Since Implementation
of the Minnesota Native American Reburial Project**

Date	Site(s) Reburied	Number of Individuals	Reburial Location
08/21/90	Hogback Site (21HU01)	12	Redwing Cemetery
09/27/90	Miscellaneous sites, curated at Hamline University	63	Mounds Park in St. Paul
10/08/90	Miscellaneous sites, curated at Hamline University	27	Itasca State Park
10/31/90	Brown Co.	1	Private property; original place of burial
08/09/91	Fort McClellan: individual	1	Morton, Minnesota
09/05/91	Smith Site (21KC03)	350	Smith Mound 4, at Grand Mound Interpretive Park, International Falls
10/24/91	Miscellaneous 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
06/15/92	Stumne Mounds (21PN05) Vach I (21PN08) Winter's (21PN17)	23-29	Stumne Mound 6, (21PN05)
06/29/92	Miscellaneous sites in Beltrami County	12	Lake Andrusia Cemetery
10/21/92	Schocker (21BL01)	22-27	Lake Andrusia Cemetery
10/21/92	White Oak Point Mounds 1 & 4 (21IC01)	95	Schoolcraft State Park
06/17/93	Miscellaneous sites, curated at Hamline University	16	Redwing Cemetery
06/17/93	Site Near Marine-on-St. Croix	5	Privately-owned property near Marine-on-St. Croix
06/29/93	Osufsen Mound (21IC02)	94	Schoolcraft State Park
Summer, 1993	Miscellaneous sites curated at Hamline University	3	Lake Andrusia
10/14/93	Orwell (21OT 7)	24	Maplewood State Park
10/14/93	Miscellaneous sites curated at Hamline University	6	Maplewood State Park
10/28/93	Kolander Site	25-31	Talcot Lake Wildlife Area
06/21/95	Rooney Mound (21PO13)	18-20	Sibley State Park
06/27/95	New London (21KH101)	2	New London, Private Residence
07/19/95	Christensen Mound (21SH01)	50-60	Sand Dunes State Forest, Ann Lake Campground
07/20/95	Fort Sweney (21GD86)	6-8	Redwing Cemetery
07/21/95	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 (1990/91).

Human Remains Inventoried and Identified FY 1996-97
(Ready for Repatriation/Reburial)

<i>Site #</i>	<i>Site Name</i>	<i>Account Number</i>	<i># Of Individuals</i>	<i>Cultural Affiliation</i>
21CA37	Gull Lake Dam	UM666,675	35	Woodland (Early?)
21CW108	Greenspoint	UM317	1	Mdewakanton Dakota
21FA2	Vosburg	UM872	12	Oneota/Iowa
21FA2	Vosburg	H142	1	Oneota/Iowa
21FA68	Vosburg	UM872	3	Oneota/Iowa
21FA--	Center Creek Locality	UM872	3	Oneota/Iowa
21FA84		UM354	2	Oneota/Iowa
21FL9	Rushford	UM132	7	Oneota/Iowa
21GD4	Bryan	H194, 319, 327 UM338, 353, 390, 908	19	Oneota/Iowa
21GD5	Eggleston	UM308	1	Oneota/Iowa
21GD61	Birch Lake Mounds	UM662	6	Woodland (Late?)
21GD--	Goodhue Co. Hist. Soc.	H188	16	Oneota?
21HE--		MHS176.2	5	Unknown
21HU4	Wilsey	UM247, 279	28	Oneota/Iowa
21HU--		UM253	1	Oneota?
21IC--	Winnie Dam	H151	1	Unknown
21ML7	Vineland Bay	UM301, 606, 638	10	Historic Ojibwe
21ML9	Cooper Village	UM576, 636, 664	23	Mdewakanton Dakota
21ML11	Petaga Point	UM578	3	Historic Ojibwe
21ML14	Strawberry Hill	UM611	4	Unknown
21ML16	Cooper Mound 1	UM637, H195	5	Mdewakanton Dakota
21ML16	Cooper Mound 2	UM686	1	Late Prehistoric, Sandy Lake
21MN	White Earth Reservation	UM89	1	Historic Ojibwe
21NL8	Fort Ridgely	UM126	1	Lake Woodland, Kathio, Oneota?
21NL47	Minnemishinona Falls	H250	1	Unknown
21OT2	Morrison Mound	UM173	21-30	Early Woodland
21OT4	Jacobs Gravel Pit	UM80	2	Historic Ojibwe
21PO1	Bartke Mound	UM180	9	Late Woodland, Kathio
21PO2	Fingerson	UM181	19	Late Woodland, Kathio
21PO14	Noyes	H318	58	Late Woodland, Avonlea?
21SB1	Black Tortoise Mound	UM395	2	Oneota/Iowa
21SC1	Huber Mound	UM180	9	Late Woodland, Kathio
21SC24	Shakopee	UM543	4	Historic Dakota
21SN11	Syl Sand	UM124	13	Historic Ojibwe
21SN11	Syl Sand	UM124	27	Middle Late Woodland/Dakota
21WL2	McCauleyville	UM351	3	Late Woodland, Kathio, Oneota?
21WL--	Shady Dell	UM350	1	Late Woodland, Kathio, Oneota?
21WN15	Voight	UM504	11	Late Archaic, Initial Woodland?
		UM322	1	Historic Dakota
	Tower	H304	3	Unknown
		Total	382	

Osteological identification of the human remains during FY96/97 focused on the sites/collections/remains identified as Oneota/Iowa and with historic/post-contact tribal affiliation. Additional human remains identified during FY95/96 (MNI-108) results in a total of 490 individuals representing 46 different site/collections that are ready for repatriation/reburial. This represents all currently identified Oneota/Iowa and historic/post-contact tribally affiliated remains.

Indian Business Loan Program

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

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

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

Regular loan officer duties include the following activities/responsibilities;

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

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

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

Indian Economic Opportunity Program

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

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

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

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

Activities

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

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

Goals and Objectives of the Indian Economic Opportunity Program

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

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

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

Special Programs

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

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

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

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

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

The major tasks were to:

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

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

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

Indian Affairs Council

Budget: FY 1998

Direct Appropriations: General Fund 100

Indian Affairs Council	302,000	Staff Salaries
(St. Paul Office)	<u>97,000</u>	Operating Expense and Travel
	399,000*	
Indian Affairs Board	10,000*	Per Diem and Travel
Indian Affairs Burial	49,000	Operating expense – Bemidji
	65,000	(M.S. 307.08)
	<u>114,000*</u>	
Total: General Fund	\$523,000*	(488 + 35* = 523)*

Special Programs:

Indian Business Loan-Administration	50,000	Staff salary and travel
Fund 200: Available for Loans	950,000	
Indian Economic Program	60,000	Staff Travel
Fund 300: Federal appropriation		
NAGPRA – Federal Grant	72,860	Inventory, Identify and Bury
Native American Graves Protection Repatriation Act (NAGPRA)		
Battle Point Historic Site	<u>350,000</u>	Design of Site
Total All Programs:	\$2,005,860	

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

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

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

Indian Affairs Council Appropriations: FY1997

Direct Appropriations: General Fund 100

Indian Affairs Council	352,000
Indian Affairs Board	11,000
Indian Affairs Burial	25,000
Indian Affairs Re-burial	<u>75,000</u>
<i>Total: General Funds</i>	463,000
Indian Business Loan: Administration	50,000
Available for Loans	900,000
Indian Economic Program	60,000
*Federal - Fund 300	
Chemical Health Service Delivery	15,000
*Federal - Fund 300 (DHS)	
Special Re-burial Grant	<u>72,860</u>
**Federal Grant-NAGPRA	
<i>Total: All Funds</i>	\$1,569,860

*Special Short Term Programs administered by the Indian Affairs Council. These programs are funded by subgrants of federal monies from other state agencies to the Indian Affairs Council through inter-agency agreements.

**This special re-burial grant comes from the National Park Services to enable the Indian Affairs Council to be in compliance with federal regulations regarding inventory, identification and reburial of human remains.

*NOTE: Federal programs have different fiscal year cycles than the state, therefore funds are carried over into the following fiscal years. Most federal program monies end on September 30th of each year.

1997 Legislative Session Activity Report

Monies listed are legislative appropriations for Minnesota Indian specific programs.

A. CULTURE & HISTORY

1. Bois Forte Reservation Museum for Cultural Interpretation. Chapter 218, Section 15.

Subd.4 (f). \$100,000 was appropriated from the Future Resources Fund to the Minnesota Historical Society for art agreement with the Bois Forte Reservation to, design and construct an historical museum. This appropriation must be matched by at least \$100,000 of non-state money.

2. Interpretive History of Native Americans. Chapter 218, Section 15.

Subd.4 (g). \$60,000 was appropriated from the Future Resources Fund to the Minnesota Historical Society and the Sugarloaf Interpretive Center Association. Appropriations will be used to compile a history of American Indians on the North Shore of Lake Superior in cooperation with American Indian bands from the area. This appropriation must be matched by at least \$30,000 of non-state money.

3. Battle Point Historic Site. Chapter 246, Section 23.

Subd. 8. Responsibility for the Battle Point project was transferred from the Minnesota Historical Society to the Indian Affairs Council. \$350,000 was appropriated to the Indian Affairs Council for the design and architectural engineering work of the Battle Point Historic Site on the Leech Lake Reservation.

4. State Archeologist. Chapter 202, Article 1, Section 12.

Subd. 5. Administrative Management. \$187,000 the first year and \$190,000 the second year are for the Office of the State Archeologist. \$30,000 the first year is for the Office of the State Archeologist to identify Indian burial mounds throughout the state and to provide information about these burial mounds to local governments.

5. State Archeologist. Chapter 202, Article 2, Section 37. Minnesota Statutes 1996, section 138.31, is amended by adding a subdivision to read:

Subd. 1. Appointment. The State Archeologist shall be a qualified professional archeologist, appointed by the executive council of the Minnesota Historical Society in consultation with the Indian Affairs Council to perform the duties in sections 138.31 to 138.42

Subd. 1a. Administrative Support: Staff. The Commissioner of Administration shall provide the State Archeologist with necessary administrative services. State agencies shall provide the State Archeologist upon request with advisory staff services on matters relating to the duties and jurisdiction of the State Archeologist.

B. EDUCATION — APPROPRIATIONS FUNDED THROUGH THE DEPARTMENT OF CHILDREN FAMILIES AND LEARNING

1. Tribal Contract and Grant School. Chapter 242, Article 2, Section 29.

Subd. 2. An American Indian controlled tribal contract or grant school that is located on a reservation within the state that complies with the requirements is eligible to receive tribal contract or grant school aid.

Section 30, Subd. 5. Tribal Contract Pupil Units Pupil units for pupils enrolled in tribal contract schools shall be used only for the purpose of computing tribal contract aid.

Section 50, Subd. 7. Tribal Contract Schools. \$2,287,000 in the first year and \$2,287,000 was appropriated for tribal contract school aid.

2. Chapter 242, Article 2, Section 50.

Subd. 2. American Indian Language and Cultural Programs. \$591,000 for the first year and \$591,000 for the second year was appropriated for the American Indian Language and Culture Education programs.

3. Chapter 242, Article 2, Section 50.

Subd. 3. American Indian Education Programs. \$175,000 for the first year and \$175,000 for the second year was appropriated for certain American Indian educational programs in school districts. Payments must be approved by the Commissioner of the Department of Children, Families, and Learning. Payment will be approved only to schools or school districts in compliance with state laws.

These amounts must be spent only for the benefit of American Indian pupils and to meet established state educational standards or statewide requirements.

4. Chapter 242, Article 2, Section 50.

Subd. 4. American Indian Post-Secondary Preparation Grants. \$857,000 for the first year and \$857,000 for the second year was appropriated for the American Indian Post-secondary Preparation grants.

5. Chapter 242, Article 2, Section 50.

Subd. 5. American Indian Scholars. \$1,600,000 for the first year and \$1,600,000 for the second year was appropriated for American Indian scholarships.

6. Chapter 242, Article 2, Section 50.

Subd. 6. Indian Teacher Preparation Grants. \$190,000 for the first year and \$190,000 for the second year was appropriated for joint grants to assist Indian people to become teachers.

- University of Minnesota, Duluth, and Duluth School District
- A joint grant to Bemidji State University and Red Lake School District
- Moorhead State University and a Mahnomen school district;
- Augsburg College, independent school district No. 625, St. Paul, and the Minneapolis school district.

8. Chapter 242, Article 2, Section 50.

Subd. 8. Early Childhood Programs at Tribal Schools. \$68,000 the first year and \$68,000 the second year was appropriated for early childhood family education programs at tribal contract schools.

9. Appropriations. Chapter 242, Article 2, Section 50.

Subd. 27. Nett Lake. \$79,000 the first year and \$60,000 the second year was appropriated for grants to independent school district no. 707, Nett Lake. \$19,000 in 1998 is to reimburse the district property and boiler insurance premiums. \$30,000 each year is to pay property insurance and boiler insurance premiums, and insurance premiums; \$30,000 in each year for the payment of obligations of the school district for unemployment compensation. The appropriation must be paid to the appropriate state agency for such purposes in the name of the school district.

10. Chapter 242, Article 2, Section 50.

Subd. 28. Nett Lake Media Specialist. \$35,000 was appropriated for the first year for a media specialist for preschool through grade 6,

C. HEALTH

1. American Indian Diabetes. Chapter 225, Article 8, Section 2.

Of this appropriation, \$90,000 each year shall be disbursed for a comprehensive school-based intervention program designed to reduce the risk factors associated with diabetes among American Indian school children in grades 1 through 4. A task force shall advise the Commissioner on the adaptation of curricula and the dissemination of information designed to reduce the risk factors associated with diabetes among American Indian school children in grades 1 through 5. The curricula and information must be sensitive to traditional American Indian values and culture and must encourage full participation by the American Indian Community.

2. Chemical Dependency Treatment Allocation. Chapter 203, Article 4, Section 6.

Subd. 1. The chemical dependency funds appropriated for allocation shall be placed in a special revenue account. The Commissioner shall annually transfer funds from the chemical dependency fund to pay for operation of the drug and alcohol abuse normative evaluation system and to pay for all costs incurred by adding two positions for licensing of chemical dependency treatment and rehabilitation programs located in hospitals for which funds are not otherwise appropriated. For each year of the biennium ending June 30, 1999, the Commissioner shall allocate funds to the American Indian chemical Dependency tribal account for treatment of American Indians by eligible vendors, equal to the amount allocated in fiscal year 1997.... 6% of money not already allocated must be reserved for the non-reservation American Indian Chemical Dependency allocation, for the treatment of American Indians.

3. American Indian Chemical Dependency Tribal Account. Chapter 203, Article 4, Section 8.

Subd. 4. Tribal Allocation. 85% of the American Indian Chemical Dependency Tribal Account must be allocated to the federally recognized American Indian tribal governing bodies that have entered into an agreement with the state. When a tribe has not entered into an agreement with the Commissioner of Health, the county may use funds allocated to the reservation to pay for chemical dependency services for a current resident of the county or reservation.

Section 9., Subd. 5. Tribal Reserve Account. The Commissioner shall reserve 15% of the American Indian Chemical dependency tribal account. The reserve must be allocated to those tribal units that have used all money allocated...and to counties submitting invoices for American Indians when all money allocated has been used.

Sec. 10., Subd. 7. Non-Reservation Indian Account. The non-reservation American Indian Chemical dependency allocation must be held in reserve by the Commissioner in an account for treatment of Indians not residing on lands of a reservation.

D. OTHER TRIBAL PROGRAMS.

1. Indian Home Loan Program. Chapter 200, Article 1, Section 6.

\$187,000 the first year and \$187,000 the second year was appropriated for the urban Indian Housing program. \$1,683,000 the first year and \$1,683,000 the second year was appropriated for the tribal Indian housing programs. All legislation appropriations are funded through the Minnesota Housing Finance Agency.

2. Indian Affairs Board. Chapter 200, Article 1, Section 23. Indian Affairs Council.

\$523,000 for the first year and \$535,000 for the second year was appropriated to the Indian Affairs Council.

3. Lower Sioux Indian Community Peace Officers; Law Enforcement Authority. Chapter 185, Section 1.

The Lower Sioux Indian Community, was authorized to exercise law enforcement powers and provide for jurisdiction concurrent with that of the Redwood County Sheriff, including the same limitations for the appointment of peace officers, use of the county jail, and prosecution by the county attorney. The Community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties.... and to waive its sovereign immunity with respect to claims from this liability.

4. Indian Public Defense Program. Chapter 239, Article 1, Section 10.

Subd. 4. District Public Defense. \$969,000 the first year and \$969,000 the second year are for grants to the five existing public defense corporations under Minnesota Statutes, Section 611.216. (Note: This includes tribal programs at Leech Lake, White Earth and Duluth.)

5. Treaty Implementation. Chapter 30, Section 1.

Subd. 1. Appropriation. An amount as needed, not to exceed \$6,300,000 is appropriated from the budget reserve in the general fund to the Commissioner of Public Safety, the Department of Military Affairs, the Department of Transportation, local units of government, and other state agencies for cost incurred to the 1837 treaty. The appropriation is available until June 30, 1997.

The bill earmarks funds for public education and to pay for overtime costs for on- and off-duty law enforcement officials, should they be incurred, when the Mille Lacs Band begins to spear fish on Lake Mille Lacs and other lakes in the vicinity.

6. Indian Child Welfare Defense Corporation. Chapter 203, Article 1, Section 2.

Subd. 3. Legislative appropriations of \$180,000 were granted to the Indian Child Welfare Defense Corporation to ensure statewide compliance with the Indian Child Welfare Act.

7. Notification of Child Adoption. Chapter 177, Section 1. Relates to Human Services; requiring notification of placement or adoption of a child to the other birth parent; requiring background checks for adoption; requiring affidavits for an emergency order requiring updates to adoption study; defining content of post placement assessment and report; permitting court-ordered grandparent visitation with an adopted child; recognition of adoptions which occurred in a foreign country; defining when adoption records shall become records

Sec. 4. Minnesota Statutes 1996, section 259.20, subd. 2, is amended to read:

Subd. 2. Portions of chapters 245A, 256, 260, and 317A may also affect the adoption of a particular child. Provisions of the Indian Child Welfare Act, United States Code, title 25, chapter 21, sections 1901-23, may also apply in the adoption of an Indian child, and may preempt specific provisions of this chapter.

E. NATURAL RESOURCES — LEGISLATIVE APPROPRIATIONS FUNDED THROUGH DEPARTMENT OF NATURAL RESOURCES

1. The Mississippi Headwaters Board. Chapter 218, Section 5.

Subd. 3. \$95,000 for the first year and \$95,000 for the second year was appropriated for up to 50% of the cost of implementing the comprehensive plan for the Upper Mississippi within areas under its jurisdiction. The Leech Lake Band of Chippewa Indians was appropriated \$17,000 the first year and \$17,000 the second year to implement its portion of the comprehensive plan for the Upper Mississippi.

2. Beaver Damage Control. Chapter 218, Section 20.

Subd. 2. Establishes a beaver damage control grant program whereby up to 50% of the costs of beaver damage control can be administered by a joint powers board. Tribes are eligible.

3. Non-Commercial Fishing Licenses Increased. Chapter 218, Section 83.

Subd. 6. Fees for non-commercial fishing licenses were increased by an average of 15% and 27% for commercial licenses. The individual resident fishing license was increased from \$13 to \$15, and the resident combination married couple license was increased from \$17.50 to \$20.50

F. TAXES — DEPARTMENT OF REVENUE

1. Tax On Cigars and Tobacco. Chapter 106, Article 1, Section 7. Sales to Indian Tribes

Subd. 1. Wholesalers. A wholesaler may set aside the part of the wholesaler's cigarette and tobacco product stock necessary to make sales to the established governing body of an Indian tribe without paying the tax required by this chapter. The amount of unstamped or untaxed stock that wholesalers may deliver to an Indian reservation is limited to the amounts necessary to meet the personal consumption needs of qualified purchasers. The unstamped stock must be kept separate and apart from stamped stock. When shipping or delivering unstamped or untaxed stock to an Indian tribal organization, the wholesaler shall make a true duplicate invoice. The invoice must show the complete details of the sale or delivery. The wholesaler shall send the duplicate to the Commissioner not later than the 18th day of the following calendar month. If the wholesaler fails to comply with this section, the Commissioner shall revoke the permission granted to the wholesaler to keep a stock of unstamped goods.

2. Tax On Liquor. Chapter 179, Article 1, Section 8. Sales to Indian Tribes

Subd. 1. Wholesalers. A wholesaler may set aside the part of the wholesaler's stock necessary to make sales to the established governing body of an Indian tribe recognized by the United States Department of the Interior, without paying the tax required by this chapter. The amount of untaxed stock that wholesalers may deliver to an Indian reservation is limited to the amounts necessary to meet the personal consumption needs of qualified purchasers. The unstamped stock must be kept separate and apart from stamped stock. When shipping or delivering untaxed stock to an Indian tribal organization, the wholesaler shall make a true duplicate invoice. The invoice must show the complete details of the sale or delivery. The wholesaler shall send the duplicate to the Commissioner not later than the 18th day of the following calendar month. If the wholesaler fails to comply with this section, the Commissioner shall revoke the permission granted to the wholesaler to keep a stock of unstamped goods.

3. Omnibus Tax Bill: Counties With Indian Casinos Provided Payments Under Tribal Tax Agreements. Chapter 231, Article 16, Section 6.

Sub. 4. Payments to Counties. The Commissioner shall pay to a qualified county in which an Indian gaming casino is located, 10% of the state share of all taxes generated from activities on reservations and collected under a tax agreement under this section with the tribal government for the reservation located in the county. If the tribe has casinos located in more than one county, the payment must be divided equally among counties in which the casinos are located.

G. WELFARE REFORMS — APPROPRIATIONS FUNDED THROUGH THE DEPARTMENT OF HUMAN RESOURCES

1. Welfare Reform. Chapter 85, Article 1, Section 51.

Subd. 1. Authorization to Enter into Agreements. Effective July 1, 1997, the Commissioner may enter into agreements with federally recognized Indian tribes with a reservation in the state to provide MFIP-S employment and training services to members of the Indian tribe and to other caregivers who are a part of the tribal member's MFIP-S assistance unit. "Indian tribe" means a tribe, band, nation, or other federally recognized group or community of Indians. The Commissioner may also enter into an agreement with a consortium of Indian tribes, providing the governing body of each Indian tribe in the consortium complies with the provisions of this section.

Subd. 4. County Agency Requirement. Indian tribal members receiving MFIP-S benefits and residing in the service area of an Indian tribe operating employment and training services under an agreement with the Commissioner must be referred by county agencies in the service area to the Indian tribe for employment and training services.

2. Tribal Employment and Training Program: Report. Chapter 85, Article 1, Section 66.

Subd. 1. Authority. Effective July 1, 1997 the Commissioner of Human Services, in conjunction with Indian tribes in the state, shall develop and present to the legislature a plan for providing state funds in support of a family assistance program administered by Indian tribes that have a reservation in this state and have federal approval to operate a tribal program. This plan must identify the primary arrangements needed to effect tribal administration and needed funding, including agreements with a consortium of tribes, that accurately reflect the state funding levels for Indian people who would otherwise be available to MFIP-S program recipients. This plan must be developed consistent with the requirements set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law Number 104-193, section 412(b)(1)(B). For purposes of this section, "Indian Tribe" means a tribe, band, nation, or other federally recognized group or community of Indians.

Subd. 2. Report to the Legislature. The plan referred to in subdivision 1 and any resulting proposal for legislation must be presented to the Legislature by December 15, 1997.

Subd. 3. Tribal Agreements. Once the plan in subdivision 1 is presented to and approved by the Legislature and signed into law, the Commissioner is authorized to enter into agreements with Tribes or consortia of tribes consistent with the plan.

Subd. 4. Tribal and State Coordination. The Commissioner shall consult with Indian tribes in the state when formulating general policies regarding the implementation of the state's public assistance program operated under Title IV-A of the Social Security Act. The Commissioner shall take into consideration circumstance affecting Indians, including circumstance identified by Indian tribes, when designing the state's program. The state shall provide Indians with equitable access to assistance as provided in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law No. 104-193, section 402(a)(5).

Subd. 5. Employment Training. Nothing in this section precludes any tribe in this state from participating in employment and training or child care programs otherwise available by law to Indian tribes under:

- (1) The MFIP program under Minnesota Statutes sections 256.031 to 256.0361 or its successor program;
- (2) Project STRIDE under Minnesota Statutes, section 256, 736, or its successor program;
- (3) child care programs for tribal program participants; and
- (4) the Minnesota injury protection program.

Subd. 6. Tribal Sovereign Status. Nothing in this section shall be construed to waive, modify, expand, or diminish the sovereignty of federally recognized Indian Tribes, nor shall any Indian tribes be required in any way to deny their sovereignty or waive their immunities except as mandated by federal law as a requirement of entering into an agreement with the state under this section.

Subd. 7. Planning. The Commissioner of Human Services shall assist tribes, in a collaborative effort, with the development of the plan under subdivision 1 and efforts associated with such development. Such efforts shall include, but not be limited to, data collection regarding: receipt of public assistance by Indian, unemployment rates within tribal service delivery areas, and dissemination of information and research. The Commissioner shall provide technical assistance to Tribal welfare reform task force members and tribes regarding the implementation and operation of public assistance programs and assistance to tribes to develop the plan under subdivision 1.

4. Family Assisting Program Planning Grants. Chapter 203, Article 1, Section 2.

Subd. 10. General. \$10,145,000 the first year and \$8,508,000, of which \$75,000 each year is for Plan for Tribal Operation of Family Assistant Program for the Commissioner to apportion to the tribes to assist in the development of a plan for providing state funds in support of a family assistance program administered by Indian tribes that have a reservation in Minnesota and that have federal approval to operate a tribal program. The Commissioner and tribes shall collaborate in the development of the plan to be reported to the legislature no later than February 15, 1998.

Tribal Operation of Assistance Programs; Feasibility Considered. The Commission of Human Services, in consultation with federally recognized Indian tribes, the Commissioner of Children, Families and Learning and the Commissioner of Economic Security, shall explore and report to the legislature by February 15, 1998, on the feasibility of having such tribes administer or operate state and federally funded programs such as MFIP-S, divisionary assistance, emergency assistance, child support enforcement, and child care assistance. State and federal funding needed for the programs will be considered.

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

1. Grants To Nursing Students. Chapter 183, Article 1, Section 2.

Subd. 2. State Grants. This appropriation includes \$250,000 each year for grants to nursing programs to recruit persons of color and to provide grants to nursing students of color. Of this amount, \$100,000 each year is for recruitment and retention of students of color in nursing programs leading to licensure as a registered nurse. Other than the grants to students, grants shall be matched with at least the same amount from grantee sources of non-state money.

2. Increasing Minimum Wage. Chapter 163, Section 1. Relates to employment; increasing the minimum wage; amending Minnesota Statutes 1996, section 177.24, subd. 1. Vetoed by Governor.

Subd. 1. (2)(B). Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least \$5.15 an hour.

1997 Legislative Session Activity Report: We would like to thank Mr. Larry Kitto and staff for providing us with the Legislative Report.
