

This Document can be made available  
in alternative formats upon request

State of Minnesota

Printed Page No. **74**

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1051**

February 15, 2007

Authored by Hilty, Eken, Moe, Sailer and Howes

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to state government; changing the state Indian Affairs Council; amending  
1.3 Minnesota Statutes 2006, section 3.922.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 3.922, is amended to read:

1.6 **3.922 INDIAN AFFAIRS COUNCIL.**

1.7 Subdivision 1. **Creation, membership.** The state Indian Affairs Council is created  
1.8 to consist of the following ~~ex officio~~ members:

1.9 ~~the governor or a member of the governor's official staff designated by the governor;~~

1.10 ~~the commissioner of education;~~

1.11 ~~the commissioner of human services;~~

1.12 ~~the commissioner of natural resources;~~

1.13 ~~the commissioner of human rights;~~

1.14 ~~the commissioner of employment and economic development;~~

1.15 ~~the commissioner of corrections;~~

1.16 ~~the commissioner of the Minnesota Housing Finance Agency;~~

1.17 ~~the commissioner of Iron Range resources and rehabilitation;~~

1.18 ~~the commissioner of health;~~

1.19 ~~the commissioner of transportation;~~

1.20 ~~the commissioner of administration;~~

1.21 ~~each of whom may designate a staff member to serve instead, and~~

1.22 ~~three members of the house of representatives appointed by the speaker, and three~~

1.23 ~~members of the senate appointed by its Subcommittee on Committees.~~

2.1 ~~Voting members of the council are the elected tribal chair of:~~

2.2 (1) one member of each of the following tribal sovereign nations, designated by  
2.3 the elected tribal president or chairperson of the governing bodies of: the Fond du Lac

2.4 ~~Reservation Business Committee Band;~~

2.5 the Grand Portage ~~Reservation Business Committee Band;~~

2.6 the Mille Lacs ~~Reservation Business Committee Band;~~

2.7 the White Earth ~~Reservation Business Committee Band;~~

2.8 the Bois Forte (Nett Lake) ~~Reservation Business Committee Band;~~

2.9 the Leech Lake ~~Reservation Business Committee Band;~~

2.10 the Red Lake ~~Tribal Council Nation;~~

2.11 the Upper Sioux ~~board of trustees Community;~~

2.12 the Lower Sioux ~~Tribal Council Community;~~

2.13 the Shakopee-Mdewankanton ~~General Council Sioux Community;~~

2.14 the Prairie Island ~~Tribal Council Mdewakanton Dakota Community; and~~

2.15 (2) the directors or commissioners of each tribal agency as designated by the  
2.16 presidents or chairpersons of each band, tribe, or community;

2.17 ~~two members to be selected under subdivision 2:~~

2.18 (3) a member of the governor's official staff designated by the governor;

2.19 the commissioner of education;

2.20 the commissioner of human services;

2.21 the commissioner of natural resources;

2.22 the commissioner of human rights;

2.23 the commissioner of employment and economic development;

2.24 the commissioner of corrections;

2.25 the commissioner of the Minnesota Housing Finance Agency;

2.26 the commissioner of Iron Range resources and rehabilitation;

2.27 the commissioner of health;

2.28 the commissioner of transportation;

2.29 the commissioner of veterans affairs;

2.30 the commissioner of administration, each of whom may designate a staff member to  
2.31 serve instead;

2.32 (4) three members of the house of representatives, including one member of the  
2.33 largest minority caucus, appointed by the speaker; and

2.34 (5) three members of the senate, including one member of the largest minority  
2.35 caucus, appointed by its Subcommittee on Committees.

3.1 ~~The chairs of the Indian committees, trusts, or councils may designate in writing a member~~  
3.2 ~~who has been elected at large to an office in the committee, trust, or council, to serve~~  
3.3 ~~instead.~~ Members appointed to represent the house of representatives; or the senate or  
3.4 ~~tribal governments~~ shall no longer serve on the council when they are no longer members  
3.5 of the bodies which they represent and their offices shall be vacant. A member who is a  
3.6 designee of a tribal ~~chair~~ president or chairperson shall cease to be a member at the end of  
3.7 the term of the designating tribal ~~chair~~ president or chairperson. ~~Ex officio members or~~  
3.8 ~~their designees on~~ Only members of the council designated under clause (1) shall ~~not~~ vote.

3.9 ~~Subd. 2. **Additional members.** Two members of the council shall be elected at~~  
3.10 ~~large by Indian residents of Minnesota who are legal members and eligible voters of a~~  
3.11 ~~federally recognized tribe in accordance with the criteria of the tribe and are not members~~  
3.12 ~~of any federally recognized tribe with a reservation in Minnesota. The election shall be~~  
3.13 ~~in a manner prescribed by the secretary of state. The manner of election, certification,~~  
3.14 ~~and contest shall, as far as reasonably possible, be consistent with procedures employed~~  
3.15 ~~in general elections in the state to ensure a fair election and ready access to the election~~  
3.16 ~~process by eligible voters. The voting procedure shall include voting by absentee ballot. A~~  
3.17 ~~person is eligible to serve as an at-large member of the council if at the time of the election~~  
3.18 ~~the person is a qualified voter within the requirements of the Minnesota Constitution;~~  
3.19 ~~article VII and a member of a federally recognized tribe that does not have a reservation in~~  
3.20 ~~Minnesota. The election shall be certified and regulated by the secretary of state. Elections~~  
3.21 ~~shall be held by April 14, 1981, and by every fourth April 14 thereafter. The term of office~~  
3.22 ~~for at-large members is four years commencing on the April 20 following the election and~~  
3.23 ~~ending at 12:01 a.m., April 20 four years later.~~

3.24 ~~Subd. 3. **Compensation; expenses.** Compensation of nonlegislator members~~  
3.25 ~~appointed under subdivision 1, clause (1), is as provided in section ~~15.059~~, but, 15.0575.~~  
3.26 Because the council performs functions that are not purely advisory, the expiration dates  
3.27 provided in ~~that~~ section 15.059 do not apply. Expenses of the council must be approved  
3.28 by two of any three members of the council designated by the council and then be paid  
3.29 in the same manner as other state expenses. The ~~executive secretary~~ chair shall inform  
3.30 the commissioner of finance in writing of the names of the persons authorized to approve  
3.31 expenses.

3.32 ~~Subd. 4. **Meetings.** Meetings may be called by the chair or at the written request of~~  
3.33 ~~five members of the council. A majority of the voting members of the council is a quorum.~~

3.34 ~~Subd. 5. **Officers; personnel; authority.** The council shall annually elect a chair~~  
3.35 ~~and other officers as it may deem necessary. The chair may appoint subcommittees~~  
3.36 ~~necessary to fulfill the duties of the council. It shall also employ and prescribe the duties~~

4.1 of employees and agents as it deems necessary at the direction of elected tribal leaders.  
4.2 The compensation of the executive director of the ~~board~~ council is as provided by section  
4.3 43A.18. All employees are in the unclassified service. ~~The chair is an ex officio member~~  
4.4 ~~of the State Board of Human Rights.~~ Appropriations and other funds of the council are  
4.5 subject to chapter 16C. The council may contract in its own name. Contracts must be  
4.6 approved by a majority of the members of the council with the approval of elected tribal  
4.7 leaders and executed by the chair and the executive director. The council may apply  
4.8 for, receive, and spend in its own name, grants and gifts of money consistent with the  
4.9 powers and duties specified in this section. The council shall maintain its primary office in  
4.10 Bemidji. It shall also maintain personnel and office space in St. Paul.

4.11 Subd. 6. **Duties.** The primary duties of the council are to:

4.12 ~~(1) clarify for the legislature and state agencies the nature of tribal governments and~~  
4.13 ~~the relationship of tribal governments to the Indian people of Minnesota;~~

4.14 ~~(2) assist the secretary of state in establishing an election of at-large members of~~  
4.15 ~~the council;~~

4.16 ~~(3) (1) analyze and make recommendations to tribal elected leaders and to members~~  
4.17 ~~of the legislature and the governor on desired and needed legislation to benefit the~~  
4.18 ~~statewide Indian community and communicate to the members of the legislature when~~  
4.19 ~~legislation has or will have an adverse effect on the statewide Indian community;~~

4.20 ~~(4) provide, through the elected apparatus of the council, an effective conduit to the~~  
4.21 ~~legislature for and information on programs, proposals, and projects submitted by of~~  
4.22 ~~importance to tribal governments, organizations, committees, groups, or individuals and~~  
4.23 ~~nontribal Indian organizations;~~

4.24 ~~(5) provide a continuing dialogue with members of the tribal governments to improve~~  
4.25 ~~their knowledge of the legislative process, state agencies, and governmental due process;~~

4.26 ~~(6) (2) assist in establishing Indian advisory councils in cooperation with state~~  
4.27 ~~agencies that deliver services to the Indian community~~ tribal sovereign nations in  
4.28 Minnesota and the urban Indian communities;

4.29 ~~(7) (3) assist state agencies in defining what groups, organizations, committees,~~  
4.30 ~~councils, or individuals are eligible for delivery of their respective services;~~

4.31 ~~(8) (4) assist in providing ensuring the provision of resources, tribal and other, in~~  
4.32 ~~the delivery of services to the statewide Indian community~~ tribal sovereign nations in  
4.33 Minnesota and the urban Indian communities;

4.34 ~~(9) act as a liaison between local, state, and national units of government in (5)~~  
4.35 ~~recommend to tribal governments and the state government the means to enhance the~~

5.1 delivery of services to ~~the Indian population of~~ members of tribal sovereign nations in  
 5.2 Minnesota by local, state, and national units of government;

5.3 ~~(10) (6)~~ assist state agencies in implementing and updating studies of services  
 5.4 delivered to the ~~Indian community~~ tribal sovereign nations in Minnesota and urban Indian  
 5.5 communities;

5.6 ~~(11) (7)~~ provide, for the benefit of all levels of state government, a continuing liaison  
 5.7 between state governmental bodies and elected tribal governments and officials ~~leaders;~~

5.8 ~~(12) (8)~~ interact with private organizations involved with Indian ~~concerns to people~~  
 5.9 that develop and implement programs to assist Indian people, as they when such programs  
 5.10 may affect state agencies and departments;

5.11 ~~(13)~~ ~~act as an intermediary, when requested and if necessary, between Indian interests~~  
 5.12 ~~and state agencies and departments when questions, problems, or conflicts exist or arise;~~

5.13 ~~(14)~~ ~~provide information for and direction to a program to assist Indian citizens to~~  
 5.14 ~~assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate~~  
 5.15 ~~with local, state, and national private agencies providing services to the Indian people;~~

5.16 ~~(15) (9)~~ develop educational programs, community organization programs,  
 5.17 leadership development programs, motivational programs, and business development  
 5.18 programs for Indian persons who have been, are, or ~~will~~ may be subject to prejudice  
 5.19 and discrimination;

5.20 ~~(16)~~ ~~cooperate and consult with appropriate commissioners and agencies to develop~~  
 5.21 ~~plans and programs to most effectively serve the needs of Indians; and~~

5.22 ~~(17) (10)~~ review data provided by the commissioner of human services under section  
 5.23 260C.215, subdivision 5, and present recommendations to elected tribal leaders on the  
 5.24 out-of-home placement of Indian children. ~~Recommendations must be presented to the~~  
 5.25 ~~commissioner and the legislature by February 1, 1990; November 1, 1990; and November~~  
 5.26 ~~1 of each year thereafter.; and~~

5.27 ~~(11)~~ prepare a proposed agenda for the annual summit of elected tribal leaders,  
 5.28 legislative leaders and the governor.

5.29 Subd. 7. **State officials and departments; cooperation.** In carrying out these  
 5.30 objectives and to ascertain ~~Indian~~ the needs of members of tribal sovereign nations in  
 5.31 Minnesota and urban Indian community members, the council shall have the right to  
 5.32 confer with state officials and other governmental units and have access to records as  
 5.33 necessary to obtain needed information. The council also shall have the right to call upon  
 5.34 various state departments for technical advice and service as needed to fulfill its purposes.

5.35 Subd. 8. **Advisory council board.** An advisory council board on urban Indians  
 5.36 shall advise the ~~board~~ council on the unique problems and concerns of Minnesota Indians

6.1 who reside in urban areas of the state. The ~~council board~~ must be appointed by the ~~board~~  
6.2 council at the direction of the elected tribal leadership and consist of six Indians residing  
6.3 in the vicinity of Minneapolis, St. Paul, Bemidji, and Duluth. At least one member of  
6.4 the ~~council board~~ must be a resident of each city. The terms, compensation, and removal  
6.5 of members are as provided in section 15.059, but the expiration dates provided in that  
6.6 section do not apply.

6.7 Subd. 10. **Rulemaking.** Notwithstanding other law, the council does not have  
6.8 authority to adopt, amend, or repeal rules or to adjudicate contested cases or appeals. Rules  
6.9 adopted before July 1, 2001, may continue in effect until amended or repealed by law.