

commissioner, prior to the 15th of the following month. These reports shall be submitted regardless of whether or not any fishing activity took place unless the fisherman has a written release from this obligation signed by the commissioner.

Subd. 6. A license to take commercial fish shall become void upon the licensee's death, sale of the commercial fishing business, removal from the state, conviction of two or more violations of inland commercial fishing laws or rules within a license period or failure to apply for a new or renewal license prior to June 15 of any year. A commercial inland fishing license shall not be subject to the license revocation provisions of section 98.52. Commercial fishing rights and area assignments covered by a license which becomes void shall revert to the commissioner for reassignment.

Subd. 7. The commissioner shall consult with representatives of the inland commercial fishermen's trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments and the entry of new commercial fishermen into the inland commercial fishery.

Sec. 3. Minnesota Statutes 1978, Section 97.4861, is repealed.

Approved May 29, 1979.

CHAPTER 243—S.F.No.712

An act relating to Indians; providing for use of the nomenclature "American Indians" in Minnesota Statutes; amending Minnesota Statutes 1978, Sections 145.922, Subdivision 2; 152.02, Subdivision 2; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 462A.07, Subdivisions 13, 14, and 15; 462A.21, Subdivisions 4c and 4d; and 517.18, Subdivision 4.

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

Section 1. Minnesota Statutes 1978, Section 145.922, Subdivision 2, is amended to read:

Subd. 2. The state commissioner of health may make special grants to local boards of health to establish, operate, or subsidize clinic facilities and services to furnish health services for ~~native Americans~~ American Indians who have no established county of residence. The community health services plan submitted by the local board of health must contain a proposal for the delivery of the services and documentation of input by affected segments of the community to the plan in order to qualify for a grant under this subdivision.

Sec. 2. Minnesota Statutes 1978, Section 152.02, Subdivision 2, is amended to read:

Subd. 2. The following items are listed in Schedule I:

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(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxidine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacymorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphinol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: 3,4-methylenedioxy amphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols 1-(1-(2-thienyl) cyclohexyl)peperidine.

(4) Peyote, providing the listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the ~~Native~~ American Indian Church, and members of the ~~Native~~ American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the ~~Native~~ American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Mecloqualone.

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Sec. 3. Minnesota Statutes 1978, Section 254A.02, Subdivision 11, is amended to read:

Subd. 11. " ~~Native American~~ Indian " means a person of one quarter or more Indian blood.

Sec. 4. Minnesota Statutes 1978, Section 254A.03, is amended to read:

254A.03 STATE AUTHORITY ON ALCOHOL AND DRUG ABUSE. Subdivision 1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities and allocate funds in accordance with the comprehensive state plan;

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals for the provision of comprehensive program services;

(i) solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

(j) with respect to alcohol and other drug abuse programs serving the native American Indian community, establish guidelines for the employment of personnel with

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considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the ~~native~~ American Indian community.

Subd. 2. There is hereby created, within the alcohol and drug abuse section of the department of public welfare, the position of special assistant for ~~native~~ American Indian programs on alcoholism and drug abuse and an assistant to that position. The special assistant position shall be filled by a person with considerable practical experience in and understanding of alcohol and other drug abuse problems in the ~~native~~ American Indian community, who shall be responsible to the director of the alcohol and drug abuse section created in subdivision 1 and shall be in the unclassified service. The special assistant with the approval of the director shall:

(a) Administer funds appropriated for ~~native~~ American Indian groups, organizations and reservations within the state for ~~native~~ American Indian alcoholism and drug abuse programs.

(b) Establish policies and procedures for such ~~native~~ American Indian programs with the assistance of the citizens advisory council created by section 254A.04, and the ~~native~~ American Indian advisory board.

Sec. 5. Minnesota Statutes 1978, Section 254A.031, is amended to read:

254A.031 **AMERICAN INDIAN PROGRAMS.** The commissioner shall enter into one or more purchase of service agreements to provide programs for ~~native Americans~~ American Indians. The agreements shall provide for residential and aftercare treatment programs, programs relating to prevention, education, and community awareness, and training programs. All programs shall be designed to meet the needs identified by the ~~native~~ American Indian community, and appropriate recognition shall be given to the cultural and social needs of ~~native Americans~~ American Indians. The commissioner shall enter into the agreements after consultation with the special assistant for ~~native~~ American Indian programs of the alcohol and drug abuse section of the department of public welfare, and all agreements shall be reviewed pursuant to section 254A.03.

Sec. 6. Minnesota Statutes 1978, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The department of public welfare may make grants to community mental health boards for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the ~~native~~ American Indian community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided directly by community mental health boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

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Sec. 7. Minnesota Statutes 1978, Section 462A.07, Subdivision 13, is amended to read:

Subd. 13. It may engage or assist in the development and operation of low income housing if the federal government provides assistance in connection with the housing and ~~the development and operation is in conformity with the applicable provisions of federal laws and regulations.~~ The agency shall determine whether the applicable federal laws governing use of such funds permit a portion thereof to be used for residential housing for ~~native Americans~~ American Indians within the state.

Sec. 8. Minnesota Statutes 1978, Section 462A.07, Subdivision 14, is amended to read:

Subd. 14. It may engage in housing programs for low and moderate income ~~native Americans~~ American Indians, as that term is defined in section 254A.02, subdivision 11, developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In developing such housing programs the tribe, band, or communities shall take into account the housing needs of all ~~native Americans~~ American Indians residing both on and off reservations within the state. A plan for each such program, which specifically describes the program (a) content, (b) utilization of funds, (c) administration, (d) operation, (e) implementation and other matter, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and section 462A.21, subdivisions 4b and 4c. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between ~~native Americans~~ American Indians residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery, financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians and the Sioux communities shall:

(a) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 462A.26 and to insure compliance with the provisions of this section and this chapter, and

(b) shall agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for ~~native Americans~~ American Indians, and related receipts and expenditures as

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provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses and services pursuant to section 462A.07; subdivision 12, and section 462A.21. The agency may provide or cause to be provided essential general technical services as set forth in section 462A.07, subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home ownership counseling as set forth in section 462A.07, subdivision 3. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 15.

Sec. 9. Minnesota Statutes 1978, Section 462A.07, Subdivision 15, is amended to read:

Subd. 15. It may engage in housing programs for low and moderate income ~~native Americans~~ American Indians as that term is defined in section 254A.02, subdivision 11, residing in the metropolitan area defined in section 473.121, subdivision 2, and cities with a population greater than 50,000 persons. The programs may involve the construction, purchase and rehabilitation of residential housing and may be administered through any other provision of this chapter. The agency shall consult with the advisory council on urban Indians created pursuant to section 3.922, subdivision 8, in the development of programs pursuant to this subdivision. Rules to implement this section may be promulgated as emergency rules pursuant to chapter 15.

Sec. 10. Minnesota Statutes 1978, Section 462A.21, Subdivision 4c, is amended to read:

Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to subdivision 4b, to low and moderate income ~~native Americans~~ American Indians as provided in section 462A.07, subdivision 14 and may pay the costs and expenses necessary and incidental to the development and operation of such programs.

Sec. 11. Minnesota Statutes 1978, Section 462A.21, Subdivision 4d, is amended to read:

Subd. 4d. It may expend moneys for the purpose of section 462A.07, subdivision 15, including the establishment of revolving loan funds for programs for urban ~~native Americans~~ American Indians, and may pay the costs and expenses necessary and incidental to the development and operation of the programs.

Sec. 12. Minnesota Statutes 1978, Section 517.18, Subdivision 4, is amended to read:

Subd. 4. Marriages may be solemnized among ~~Native Americans~~ American Indians according to the form and usage of their religion by an Indian Mide' or holy man chosen by the parties to the marriage.

Approved May 29, 1979.

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