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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4431

03/12/2020 Authored by Becker-Finn, Kunesh-Podein, Persell, Hortman, Olson and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; establishing government-to-government relationship
1.3 with Minnesota Tribal Nations; proposing coding for new law in Minnesota
1.4 Statutes, chapter 10.

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

1.6 Section 1. [10.65] GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH
1.7 TRIBAL GOVERNMENTS.

1.8 Subdivision 1. Recognition of Tribal status. (a) The United States and the state of
1.9 Minnesota have a unique legal relationship with federally recognized Tribal Nations, as
1.10 affirmed by the Constitution of the United States, treaties, statutes, and case law. The state
1.11 of Minnesota is home to 11 federally recognized Tribal Nations (Minnesota Tribal Nations)
1.12 with elected or appointed Tribal governments. The state of Minnesota recognizes and
1.13 supports the unique status of the Minnesota Tribal Nations and their absolute right to
1.14 existence, self-governance, and self-determination.

1.15 (b) The state acknowledges that Minnesota Tribal Nations are comprised of a majority
1.16 of the state's American Indians and provides significant employment in the state. Members
1.17 of the Minnesota Tribal Nations are also citizens of the state of Minnesota and possess all
1.18 the rights and privileges afforded by the state.

1.19 Subd. 2. Cooperation and consultation with Tribal Nations. The state of Minnesota
1.20 and the Minnesota Tribal Nations significantly benefit from working together, learning from
1.21 one another, and partnering where possible.

1.22 Meaningful and timely consultation between the state of Minnesota and Minnesota Tribal
1.23 Nations will facilitate better understanding and informed decision making by allowing for

2.1 collaboration on matters of mutual interest and help to establish mutually respectful and  
2.2 beneficial relationships between the state and Minnesota Tribal Nations.

2.3 Subd. 3. **Agency duties; tribal liaison.** (a) For the purposes of this section, "agency"  
2.4 or "agencies" means the Department of Administration, Department of Agriculture,  
2.5 Department of Commerce, Department of Corrections, Department of Education, Department  
2.6 of Employment and Economic Development, Department of Health, Office of Higher  
2.7 Education, Housing Finance Agency, Department of Human Rights, Department of Human  
2.8 Services, Office of MN.IT Services, Department of Iron Range Resources and Rehabilitation,  
2.9 Department of Labor and Industry, Minnesota Management and Budget, Bureau of Mediation  
2.10 Services, Department of Military Affairs, Metropolitan Council, Department of Natural  
2.11 Resources, Pollution Control Agency, Department of Public Safety, Department of Revenue,  
2.12 Department of Transportation, and Department of Veterans Affairs.

2.13 (b) All agencies must recognize the unique legal relationship between the state of  
2.14 Minnesota and the Minnesota Tribal Nations, respect the fundamental principles that establish  
2.15 and maintain this relationship, and accord Tribal governments the same respect accorded  
2.16 to other governments.

2.17 (c) All agencies must, in consultation with Minnesota Tribal Nations, implement tribal  
2.18 consultation policies to guide their work and interaction with Minnesota Tribal Nations and  
2.19 must submit these policies to the Office of the Governor and Lieutenant Governor.

2.20 (d) Prior to September 1 of each year, every agency must consult with each Minnesota  
2.21 Tribal Nation to identify priority issues in order to allow agencies to proactively engage  
2.22 Minnesota Tribal Nations in the agencies' development of legislative and fiscal proposals  
2.23 in time for submission into the governor's budget and legislative proposal each year. By  
2.24 October 1 of each year, these priorities will be submitted to the Office of the Governor and  
2.25 Lieutenant Governor for review.

2.26 (e) Each agency must develop and maintain ongoing consultation with the Minnesota  
2.27 Tribal Nations related to each area where the agency's work intersects with Minnesota Tribal  
2.28 Nations. Agencies must consider the input gathered from tribal consultation into their  
2.29 decision-making processes, with the goal of achieving mutually beneficial solutions.

2.30 (f) Each agency must designate a tribal liaison to assume responsibility for implementation  
2.31 of the tribal consultation policy and to serve as the principal point of contact for Minnesota  
2.32 Tribal Nations. The tribal liaison must be able to directly and regularly meet and  
2.33 communicate with the agency's commissioner and deputy and assistant commissioners in  
2.34 order to appropriately conduct government-to-government conversations.

3.1 (g) The state has instituted Tribal State Relations Training (TSRT) which is the foundation  
3.2 and basis of all other tribal relations training sources. All agencies must direct certain staff  
3.3 to complete training to foster a collaborative relationship between the state of Minnesota  
3.4 and Minnesota Tribal Nations. In addition to all commissioners, deputy commissioners,  
3.5 and assistant commissioners, all agency employees whose work is likely to impact Minnesota  
3.6 Tribal Nations must attend TSRT training. Tribal liaisons must actively support and  
3.7 participate in the TSRT.

3.8 Subd. 4. **Applicability.** Nothing in this section requires state agencies to violate or ignore  
3.9 any laws, rules, directives, or other legal requirements or obligations imposed by state or  
3.10 federal law or set forth in agreements or compacts between one or more Minnesota Tribal  
3.11 Nations or any other Tribal Nation and the state or its agencies. This section is not intended  
3.12 to, and does not create, any right to administrative or judicial review, or any other right,  
3.13 benefit, or responsibility, substantive or procedural, enforceable against the state of  
3.14 Minnesota, its agencies or instrumentalities, its officers or employees, or its subdivisions  
3.15 or any other persons. Nothing in this section prohibits or limits any state agency from  
3.16 asserting any rights or pursuing any administrative or judicial action under state or federal  
3.17 law to effectuate the interests of the state of Minnesota or any of its agencies.