

CHAPTER 10

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10.01 SPACE FOR CONSTITUTIONAL OFFICES; ADDITIONAL DUTIES.

The governor, secretary of state, auditor, and attorney general shall keep their offices in rooms provided for them, respectively, in the area known as the Capitol, or as the Capitol complex, or as the Capitol area; and, in addition to the duties heretofore prescribed, shall severally render such other services and be subject to such further obligations as are required of or imposed upon them by law.

History: (117) *RL s 63; 1967 c 624 s 1; 2003 c 112 art 2 s 50*

10.02 [Repealed, 1984 c 628 art 2 s 4]

10.03 [Repealed, 1984 c 628 art 2 s 4]

10.04 [Repealed, 1961 c 561 s 17]

10.05 [Repealed, 1996 c 310 s 1]

10.06 [Repealed, 1961 c 561 s 17]

10.07 [Repealed, 1961 c 561 s 17]

10.08 [Repealed, 1961 c 561 s 17]

10.09 OFFICERS APPOINTED BY GOVERNOR, TERMS.

Except as otherwise provided, the terms of all officers appointed by the governor shall begin upon the date when such officers qualify and assume their official duties, shall continue for the prescribed period thereafter, and until their successors are appointed and have qualified.

History: (53-48) 1925 c 426 art 20 s 1; 1969 c 9 s 4; 1973 c 35 s 2

10.10 [Repealed, 1961 c 561 s 17]

10.11 Subdivision 1. [Repealed, 1994 c 632 art 3 s 65]

Subd. 2. [Renumbered 8.30]

10.12 [Repealed, 1994 c 632 art 3 s 65]

10.13 [Repealed, 1984 c 654 art 2 s 155]

10.14 [Repealed, 1994 c 632 art 3 s 65]

10.15 [Repealed, 1994 c 632 art 3 s 65]

10.16 [Repealed, 1976 c 231 s 34]

10.17 MS 1994 [Renumbered 16A.138]

10.18 [Repealed, 1Sp1985 c 13 s 376]

10.19 [Repealed, 1Sp1985 c 13 s 376]

10.20 [Repealed, 1Sp1985 c 13 s 376]

10.21 [Repealed, 1Sp1985 c 13 s 376]

10.22 [Repealed, 1Sp1985 c 13 s 376]

10.23 [Repealed, 1Sp1985 c 13 s 376]

10.24 [Renumbered 7.24]

10.25 MS 1994 [Renumbered 7.25]

10.26 MS 1994 [Renumbered 7.26]

10.27 MS 1994 [Renumbered 7.27]

10.275 MS 1994 [Renumbered 16A.673]

10.28 [Expired]

10.29 [Repealed, 1965 c 45 s 73]

10.30 EMPLOYEES COMPENSATION REVOLVING FUND REIMBURSEMENT.

In all cases where any state department owes the employees compensation revolving fund, created by sections 176.591 to 176.611, for claims paid its employees, and no direct appropriation is made therefor,

such department shall reimburse the revolving fund from the money appropriated for operation of the department.

History: *(125-13) 1935 c 391 s 39; 1937 c 457 s 38; 1977 c 455 s 69; 1Sp1981 c 4 art 1 s 1*

10.31 MS 1994 [Renumbered 16A.139]

10.32 MS 1994 [Renumbered 15.0596]

10.33 [Repealed, 1965 c 45 s 73]

10.34 [Repealed, 1969 c 9 s 94; 1969 c 399 s 51]

10.35 [Repealed, 1969 c 9 s 94]

10.36 [Repealed, 1969 c 9 s 94]

10.37 HOLDING TWO APPOINTIVE OFFICES.

Any appointive state office which the law provides shall be filled by the governor may be held by a person already holding a state office and such person may hold both such offices and perform the functions and duties thereof; but such person shall receive only the salary by law provided for the office first held.

History: *(128-1) 1925 c 353 s 1; 1986 c 444*

10.38 [Repealed, 1996 c 310 s 1]

10.39 [Renumbered 16A.133]

10.41 [Repealed, 1973 c 680 s 2]

10.43 TELEPHONE USE; APPROVAL.

(a) Each representative, senator, constitutional officer, judge, and head of a state department or agency shall sign the person's monthly long-distance telephone bills paid by the state as evidence of the person's approval of each bill. This signature requirement does not apply to a month in which the person's long-distance phone bill paid by the state is less than \$5.

(b) Even if the monthly long-distance phone bill paid by the state for a person subject to this section is less than \$5, the person is responsible for paying that portion of the bill that does not relate to state business. As provided in section 10.46, long-distance telephone bills paid by the state are public data, regardless of the amount of the bills.

History: *1993 c 370 s 4; 2015 c 77 art 2 s 4*

10.44 HOUSE, SENATE, COURT, ELECTED OFFICE BUDGETS; HOW TREATED.

The budgets of the house of representatives, senate, constitutional officers, district courts, court of appeals, and supreme court must be submitted to and considered by the appropriate committees of the legislature in the same manner as the budgets of executive agencies.

History: *1993 c 370 s 5*

10.45 BUDGETS; INFORMATION.

The budgets of the house of representatives, the senate, each constitutional officer, the district courts, court of appeals, and supreme court shall be public information and shall be divided into expense categories. The categories shall include, among others, travel and telephone expenses.

History: *1993 c 370 s 6*

10.46 TELEPHONE RECORDS PUBLIC.

Long-distance telephone bills paid for by the state or a political subdivision, including those of representatives, senators, judges, constitutional officers, heads of departments and agencies, local officials, and employees thereof, are public data.

History: *1993 c 370 s 7*

10.47 TELEPHONE SERVICE; OVERSIGHT.

Each member, officer, or employee in the legislative, judicial, and executive branches shall report any evidence of misuse of long-distance telephone service to the chief officer of the legislative body, judicial branch, executive office, or executive agency, and to the legislative auditor when appropriate. The legislative auditor shall investigate and report on evidence of misuse of long-distance telephone service of legislators, judges, constitutional officers, heads of executive departments and agencies, and state employees and, where appropriate, refer the evidence to other authorities.

History: *1993 c 370 s 8*

10.48 MS 1994 [Renumbered 3.098]

10.49 NAMING.

Laws enacted on or after July 1, 2009, must not be named for living people, and laws may not name councils, buildings, roads, or other facilities or entities after living people.

History: *2009 c 101 art 2 s 17*

STATE OBSERVANCES**10.50 ETHNIC AMERICAN DAY.**

The first Sunday in June is designated Ethnic American Day, in recognition of the diverse population of Minnesota, from the Native Americans who were this land's first inhabitants to other peoples from all parts of the world who also have contributed their cultures, traditions, and values to their fellow citizens. The governor may take any action necessary to promote and encourage the observance of Ethnic American Day. The public schools may offer instruction and programs to foster and preserve ethnic cultures, traditions, and values.

History: *1990 c 405 s 1*

10.51 HUNTING HERITAGE WEEK.

The week beginning the third Monday in September is an official week of observance to commemorate the state's valued heritage of hunting game animals. During this week, all residents of the state are urged to:

(1) reflect on hunting as an expression of our culture and heritage;

(2) acknowledge that it is our community of sportsmen, sportswomen, and hunters who have made the greatest contributions to the establishment of current game animal populations; and

(3) celebrate this culture and heritage in all lawful ways.

History: *1Sp1995 c 1 s 1*

10.55 JUNETEENTH.

(a) The third Saturday in June is designated Juneteenth in recognition of the historical pronouncement of the abolition of slavery on June 19, 1865, when the Emancipation Proclamation was said to have been first publicly read in Texas by Union soldiers led by General Granger. The announcement came 2-1/2 years after President Abraham Lincoln's Emancipation Proclamation and two months after General Lee's surrender in April 1865. Juneteenth and emancipation celebrations have been commonplace in Minnesota since 1889 as a result of community-based grassroots efforts.

(b) Each year the governor shall issue a proclamation honoring this observance and recognizing the important contributions African-Americans have made to Minnesota's communities, culture, and economy. The governor may also take any additional action necessary to promote and encourage the observance of Juneteenth and public schools may offer instruction and programs on the occasion.

History: *1996 c 390 s 10; 2010 c 245 s 1*

10.551 INDIA DAY.

(a) August 15 of each year is designated India Day to commemorate and celebrate the diverse culture, heritage, traditions, and contributions of Minnesotans of Indian ancestry.

(b) The diverse culture, traditions, and values of this community have contributed to the vitality of Minnesota. Each year, the governor shall issue a proclamation honoring the observance of India Day and shall encourage Minnesotans to take the opportunity to learn about and appreciate the community and its contributions.

History: *1Sp2021 c 12 art 2 s 2*

10.555 CESAR CHAVEZ DAY.

(a) March 31 shall be known as Cesar Chavez Day to celebrate the growing Latino community in Minnesota. Latinos constitute a major demographic in the state. Dedicating March 31 of each year as Cesar Chavez Day provides the citizens of Minnesota the opportunity to learn about and appreciate the Latino community and their contributions to our state.

(b) As a community organizer, Chavez improved the lives and working conditions of millions of Latinos nationwide. He dedicated his life to advocating for labor rights, political representation for ethnic minorities, environmental justice, registering voters, and improving literacy for farm workers.

History: *2014 c 159 s 1*

10.56 FOUR CHAPLAINS DAY.

February 3 is designated Four Chaplains Day in honor of the four United States Army chaplains, George L. Fox, Alexander D. Goode, Clark V. Poling, and John P. Washington, who sacrificed their lives to save

the lives of other service personnel while serving on the U.S.S. *Dorchester*, a United States Army troop transport that was sunk off the coast of Greenland on February 3, 1943. Each year the governor shall issue a proclamation of this observance.

History: *1998 c 272 s 1*

10.565 HIRE A VETERAN MONTH.

The month of July is designated "Hire a Veteran Month" in honor of the more than 48,000,000 citizen soldiers who as of January 1, 2005, have served in the United States armed forces, of whom over 1,500,000 have been wounded and over 1,000,000 more have made the ultimate sacrifice by giving their lives for their country. Whenever called upon to defend our national security at home or abroad, these men and women serving in the United States Army, Navy, Marines, Air Force, and Coast Guard have always responded immediately and effectively, placing the national interests above their own. Each year, the governor shall issue a proclamation honoring this observance, urging Minnesota state and local government departments, agencies, and boards, as well as private employers, to give fair and appropriate consideration to hiring military veterans.

History: *2005 c 22 s 1; 2015 c 40 s 1*

10.57 MIGHTY EIGHTH AIR FORCE WEEK.

Beginning in 2000, the week of October 8 to 14 is designated as Mighty Eighth Air Force Week in honor of the Eighth Air Force, the largest military unit to serve in World War II, whose heroic actions during the week of October 8 to 14, 1943, served as a turning point for daytime strategic bombing, despite the loss of 26,000 persons killed in action, over 28,000 prisoners of war, uncounted persons missing in action, and over 100 heavy bombers. Each year thereafter, until 2099, the governor shall issue a proclamation honoring this observance.

History: *2000 c 414 s 1*

10.571 MILITARY SPOUSES AND FAMILIES DAY.

The Sunday immediately preceding Memorial Day is designated Military Spouses and Families Day in honor of the vital support and sacrifice that the spouses and families of military personnel make for the betterment and support of this country. Each year, the governor shall issue a proclamation honoring this observance.

History: *2015 c 41 s 1*

10.575 MEDAL OF HONOR DAY.

March 25 is designated Medal of Honor Day in honor of the individuals from Minnesota who have served in the military or naval forces of the United States and have received the Congressional Medal of Honor, which was first presented on March 25, 1863. Each year, the governor shall issue a proclamation honoring this observance.

History: *2009 c 8 s 1*

10.576 POW AND MIA RECOGNITION DAY.

The third Friday in September of each year is designated as Prisoners of War (POW) and Missing in Action (MIA) Recognition Day to honor and recognize the courage and sacrifices of individuals from

Minnesota who have been prisoners of war or who are missing in action. Each year, the governor shall issue a proclamation honoring this observance.

History: *1Sp2019 c 10 art 6 s 1*

10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.

The first Saturday of every October is designated Veterans Suicide Prevention and Awareness Day. Each year, the governor shall issue a proclamation honoring this observance. Each year in conjunction with this observance, the commissioner of veterans affairs shall coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

History: *1Sp2019 c 10 art 6 s 2; 1Sp2021 c 12 art 3 s 1*

10.58 COMBAT WOUNDED VETERANS PURPLE HEART DAY.

Beginning in 2001, the day of August 7 is designated as Combat Wounded Veterans Day in honor of military veterans who were wounded by enemy action while bravely serving their country against enemy forces, and whose sacrifices have entitled them to the Purple Heart decoration. This decoration was created by General George Washington, commander-in-chief of the Revolutionary Army and a founder of our country, on August 7, 1782, and is the oldest military decoration in use in the world. Each year the governor shall issue a proclamation honoring this observance and shall send a written copy to the Minnesota department of the Military Order of the Purple Heart.

History: *2001 c 104 s 1*

10.5805 HMONG SPECIAL GUERRILLA UNITS REMEMBRANCE DAY.

May 14 of each year is designated as Hmong Special Guerilla Units Remembrance Day in honor of Southeast Asians, Americans, and their allies who served, suffered, sacrificed, or died in the Secret War in Laos during the Vietnam War in the years 1961 to 1975 in support of the armed forces of the United States, and in recognition of the significance of May 14, 1975, the last day that the overall American-trained Hmong command structure over the Special Guerrilla Units in Laos was operational. At least 35,000 Hmong Special Guerrilla soldiers lost their lives protecting trapped, lost, or captured American soldiers and pilots in Laos and Vietnam. One-half of the Hmong population in Laos perished as a result of the American Secret War in Laos. Ethnic Hmong men, women, and children in Laos faced persecution and forced reeducation in seminar camps after their American support ended. Despite the tremendous cost and sacrifices in the war, the Hmong remain proud to stand by the values of freedom and justice that America symbolizes. Those who survived escaped to western countries to start a new life. Each year, the governor shall issue a proclamation honoring the observance.

History: *1Sp2019 c 10 art 2 s 6*

10.581 GENOCIDE AWARENESS AND PREVENTION MONTH.

Beginning in 2013, the month of April is designated as Genocide Awareness and Prevention Month in recognition of the state's desire to combat all acts of genocide and all human rights atrocities. Following the Holocaust, on December 9, 1948, the United Nations General Assembly adopted Resolution 260 (III) A, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, declaring genocide to be a crime under international law, and defining genocide to include the commission of certain acts, including killing members of a group, causing serious bodily or mental harm to members of a group, deliberately inflicting conditions of life calculated to bring about a group's physical destruction in whole or

in part, imposing measures intended to prevent births within a group, and forcibly transferring children of a group to another group, with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. The state declares that in order to educate the public and help prevent future genocides, the governor may promote and encourage the observance of Genocide Awareness and Prevention Month.

History: *2013 c 26 s 1*

10.582 VETERANS' VOICES MONTH.

The month of October is designated as Veterans' Voices Month in recognition of the state's desire to honor, recognize, and celebrate the contributions of veterans. Schools, organizations, and communities in the state are encouraged to hold events and programs that honor veterans and educate students and citizens about the unique culture of the military by sharing and studying veterans' experiences through stories, essays, poetry, and art from the men and women who have served in the armed forces. The state declares that in order to educate the public, the governor may promote and encourage the observance of Veterans' Voices Month.

History: *2014 c 267 s 1*

10.583 ATOMIC VETERANS DAY.

July 16 is designated as Atomic Veterans Day in honor of the veterans of the United States armed forces who, in the exercise of their duties or in the course of their service, were exposed to a radiation exposure and contamination event. The honored veterans include those who are designated by the United States Department of Veterans Affairs as "Atomic Veterans" for service as part of the occupation forces assigned to, or who were prisoners of war housed near, Hiroshima and Nagasaki, Japan, after the detonation of atomic bombs over those cities. The honored veterans include those who were involved in radiation exposure events, including post-test events related to nuclear weapon devices detonated underground or in shafts or whose duties involved regular use of radiation-producing equipment or processes, such as power plant technicians aboard nuclear-powered aircraft carriers and submarines, x-ray technicians, and those assigned to the Enewetak Atoll radiation cleanup projects.

History: *2018 c 138 s 1*

10.584 MATERNAL MENTAL HEALTH AWARENESS MONTH.

The month of May is designated as Maternal Mental Health Awareness Month in recognition of the state's desire to recognize the prevalence of pregnancy and postpartum mental health issues and educate the people of the state about identifying symptoms and seeking treatment options. Up to one-third of mothers report having symptoms of pregnancy and postpartum mood and anxiety disorders each year. Many more cases go unreported due to misunderstanding. Pregnancy and postpartum mood disorders are widespread but treatable illnesses. Left untreated, pregnancy and postpartum mood and anxiety disorders can lead to negative effects on birth outcomes, infant development, and the well-being of mothers and families. The state declares that in order to educate the public, the governor may promote and encourage the observance of Maternal Mental Health Awareness Month.

History: *1Sp2019 c 9 art 12 s 1*

10.585 FALLEN FIREFIGHTERS MEMORIAL DAY.

Each American flag and Minnesota flag flown on the grounds of the Capitol area, as described in section 15B.02, must be flown at half-staff on Minnesota's observance of Fallen Firefighters Memorial Day in honor

of firefighters who have lost their lives in the line of duty. Minnesota's observance of Fallen Firefighters Memorial Day shall occur on the last Sunday in September each year.

History: 2009 c 87 s 1; 2012 c 188 s 1

10.59 DR. NORMAN E. BORLAUG WORLD FOOD PRIZE DAY.

October 16 is designated as Dr. Norman E. Borlaug World Food Prize Day, in honor of the heroic contributions to humanity of Nobel Peace Prize laureate Dr. Norman E. Borlaug, whose work in agriculture has resulted in saving millions of human lives by averting famine and alleviating hunger and malnutrition. The governor may take any action necessary to promote and encourage the observance of Dr. Norman E. Borlaug World Food Prize Day and public schools may offer instruction and programs on the occasion.

History: 2004 c 148 s 1

10.595 MITOCHONDRIAL DISEASE AWARENESS WEEK.

The third full week of September each year is designated Mitochondrial Disease Awareness Week in Minnesota.

Mitochondria, the power plants in every cell of the body, can be damaged by genetic defects, drugs, or destructive molecules called free radicals. Such damage leads to progressive diseases that affect roughly one in 4,000 children in the United States each year.

During Mitochondrial Disease Awareness Week, residents of the state are urged to become better informed about mitochondrial diseases and their impact.

History: 2011 c 104 s 2

10.596 GENERAL JOHN VESSEY DAY.

The day of June 29 is designated as General John Vessey Day. General John Vessey was a four star general in the United States Army and served as the tenth Chairman of the Joint Chiefs of Staff. As a dedicated servant to the United States of America, General John Vessey dedicated his life to military service, volunteering for the Minnesota Army National Guard in 1939 and then going on to serve our country in World War II and the Vietnam War, and also by holding military posts in Germany, Korea, and as a special emissary to Vietnam.

History: 2018 c 145 s 1

10.597 AMERICAN ALLIES DAY.

(a) June 30 of each year is designated American Allies Day for the purpose of honoring foreign-born persons who fought in conflicts around the world on behalf of and alongside the United States armed forces.

(b) Each year the governor shall issue a proclamation honoring this observance.

(c) Schools are encouraged to offer instruction on the role of America's allies during its military conflicts, including but not limited to sharing the stories of those who fought for freedom and democracy against tyranny and despotism with special emphasis on those who fought on behalf of American allies or alongside American armed forces and later emigrated to Minnesota.

History: 1Sp2019 c 10 art 6 s 3

PUBLIC WEBSITES AND PUBLICATIONS

10.60 PUBLIC WEBSITES AND PUBLICATIONS.

Subdivision 1. **Definitions.** For purposes of this section:

(1) "political subdivision" means a county, statutory or home rule charter city, town, school district, or other municipal corporation, and the Metropolitan Council and a metropolitan or regional agency;

(2) "publication" means a document printed with public money by an elected or appointed official of a state agency or political subdivision that is intended to be distributed publicly outside of the state agency or political subdivision;

(3) "state agency" means an entity in the executive, judicial, or legislative branch of state government; and

(4) "website" means a site maintained on the World Wide Web that is available for unrestricted public access and that is maintained with public money by an elected or appointed official of a state agency or political subdivision.

Subd. 2. **Purpose of website and publications.** The purpose of a website and a publication must be to provide information about the duties and jurisdiction of a state agency or political subdivision or to facilitate access to public services and information related to the responsibilities or functions of the state agency or political subdivision.

Subd. 3. **Prohibitions.** (a) A website or publication must not include pictures or other materials that tend to attribute the website or publication to an individual or group of individuals instead of to a public office, state agency, or political subdivision. A publication must not include the words "with the compliments of" or contain letters of personal greeting that promote an elected or appointed official of a state agency or political subdivision.

(b) A website, other than a website maintained by a public library or the election-related website maintained by the Office of the Secretary of State or the Campaign Finance and Public Disclosure Board, may not contain a link to a weblog or site maintained by a candidate, a political committee, a political party or party unit, a principal campaign committee, or a state committee. Terms used in this paragraph have the meanings given them in chapter 10A, except that "candidate" also includes a candidate for an elected office of a political subdivision.

Subd. 4. **Permitted material.** (a) Material specified in this subdivision may be included on a website or in a publication, but only if the material complies with subdivision 2. This subdivision is not a comprehensive list of material that may be contained on a website or in a publication, if the material complies with subdivision 2.

(b) A website or publication may include biographical information about an elected or appointed official, a single official photograph of the official, and photographs of the official performing functions related to the office. There is no limitation on photographs, webcasts, archives of webcasts, and audio or video files that facilitate access to information or services or inform the public about the duties and obligations of the office or that are intended to promote trade or tourism. A state website or publication may include photographs or information involving civic or charitable work done by the governor's spouse, provided that these activities relate to the functions of the governor's office.

(c) A website or publication may include press releases, proposals, policy positions, and other information directly related to the legal functions, duties, and jurisdiction of a public official or organization.

(d) The election-related website maintained by the Office of the Secretary of State shall provide links to:

(1) the campaign website of any candidate for legislative, constitutional, judicial, or federal office who requests or whose campaign committee requests such a link and provides in writing a valid URL address to the Office of the Secretary of State; and

(2) the website of any individual or group advocating for or against or providing neutral information with respect to any ballot question, where the individual or group requests such a link and provides in writing a valid website address and valid e-mail address to the Office of the Secretary of State.

These links must be provided on the election-related website maintained by the Office of the Secretary of State from the opening of filing for the office in question until the business day following the day on which the State Canvassing Board has declared the results of the state general election, or November 30 of the year in which the election has taken place, whichever date is earlier. The link must be activated on the election-related website maintained by the Office of the Secretary of State within two business days of receipt of the request from a qualified candidate or committee.

Subd. 5. **Other standards.** This section does not prohibit a state agency or political subdivision from adopting more restrictive standards for the content of a website or publication maintained by the agency or political subdivision.

Subd. 6. **Enforcement.** Violation of this section is not a crime and is not subject to civil penalty.

History: 2005 c 156 art 2 s 6; 2006 c 242 s 9,10

10.65 GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH TRIBAL GOVERNMENTS.

Subdivision 1. **Recognition of Tribal status and relationship with the state of Minnesota.** (a) The state of Minnesota is home to 11 federally recognized Indian Tribes with elected Tribal government officials. The state of Minnesota acknowledges and supports the unique status of the Minnesota Tribes and their absolute right to existence, self-governance, and self-determination.

(b) The United States and the state of Minnesota have a unique relationship with federally recognized Indian Tribes, formed by the Constitution of the United States, treaties, statutes, case law, and agreements.

(c) The state of Minnesota and the Minnesota Tribal governments significantly benefit from working together, learning from one another, and partnering where possible.

(d) Timely and meaningful consultation between the state of Minnesota and Minnesota Tribal governments will facilitate better understanding and informed decision-making by allowing for communication on matters of mutual interest and help to establish mutually respectful and beneficial relationships between the state and Minnesota Tribal governments.

Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings given:

(1) "agency" means the Department of Administration, Department of Agriculture, Department of Commerce, Department of Corrections, Department of Education, Department of Employment and Economic Development, Department of Health, Office of Higher Education, Housing Finance Agency, Department of Human Rights, Department of Human Services, Department of Information Technology Services,

Department of Iron Range Resources and Rehabilitation, Department of Labor and Industry, Minnesota Management and Budget, Bureau of Mediation Services, Department of Military Affairs, Metropolitan Council, Department of Natural Resources, Pollution Control Agency, Department of Public Safety, Department of Revenue, Department of Transportation, Department of Veterans Affairs, Gambling Control Board, Racing Commission, the Minnesota Lottery, the Animal Health Board, and the Board of Water and Soil Resources;

(2) "consultation" means the direct and interactive involvement of the Minnesota Tribal governments in the development of policy on matters that have Tribal implications. Consultation is the proactive, affirmative process of identifying and seeking input from appropriate Tribal governments and considering their interest as a necessary and integral part of the decision-making process. This definition adds to statutorily mandated notification procedures. During a consultation, the burden is on the agency to show that it has made a good faith effort to elicit feedback. Consultation is a formal engagement between agency officials and the governing body or bodies of an individual Minnesota Tribal government that the agency or an individual Tribal government may initiate. Formal meetings or communication between top agency officials and the governing body of a Minnesota Tribal government is a necessary element of consultation;

(3) "matters that have Tribal implications" means rules, legislative proposals, policy statements, or other actions that have substantial direct effects on one or more Minnesota Tribal governments, or on the distribution of power and responsibilities between the state and Minnesota Tribal governments;

(4) "Minnesota Tribal governments" means the federally recognized Indian Tribes located in Minnesota including: Bois Forte Band; Fond Du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band; Red Lake Nation; Lower Sioux Indian Community; Prairie Island Indian Community; Shakopee Mdewakanton Sioux Community; and Upper Sioux Community; and

(5) "timely and meaningful" means done or occurring at a favorable or useful time that allows the result of consultation to be included in the agency's decision-making process for a matter that has Tribal implications.

Subd. 3. Consultation duties. (a) An agency must recognize the unique legal relationship between the state of Minnesota and the Minnesota Tribal governments, respect the fundamental principles that establish and maintain this relationship, and accord Tribal governments the same respect accorded to other governments.

(b) An agency must, in consultation with Minnesota Tribal governments, implement Tribal consultation policies to comply with this section and guide the agency's work with Minnesota Tribal governments, and must submit these policies to the governor and lieutenant governor. Tribal consultation policies should address the communication protocols for each Minnesota Tribal government, which should be developed in coordination with representatives of each Minnesota Tribal government. An agency must update the Tribal consultation policies as often as required in order to facilitate timely and meaningful consultation, but no less than biannually.

(c) Consultation under this section is a duty of an agency to consult with the governing body or bodies of each individual Minnesota Tribal government. Coordination with groups or entities that have representation on some or all of the governing bodies of the Minnesota Tribal governments, such as the Minnesota Indian Affairs Council or the Minnesota Chippewa Tribe, is encouraged but does not satisfy an agency's duty to consult with individual Minnesota Tribal governments on matters that have Tribal implications. If a matter has implications for one Minnesota Tribal government, but not others, the agency's duty is to only consult those Minnesota Tribal governments affected.

(d) An agency must consult with each Minnesota Tribal government at least annually, and as often as is required to address matters that have Tribal implications.

(e) An agency must consult with Minnesota Tribal governments on legislative and fiscal matters that affect one or all Minnesota Tribal governments or their members to identify priority issues in order to allow agencies to proactively engage Minnesota Tribal governments in the agency's development of legislative and fiscal proposals in time for submission into the governor's recommended budget and legislative proposals each year.

(f) An agency must develop and maintain ongoing consultation with the Minnesota Tribal governments related to matters that have Tribal implications. Agencies must consider the input gathered from Tribal consultation into their decision-making processes, with the goal of achieving mutually beneficial solutions.

(g) An agency and a Minnesota Tribal government may agree that a formal consultation is not necessary for a given year on a given matter that has Tribal implications, and the agency must keep a written record of this decision.

(h) The prospective duty to consult does not apply to action on a matter that has Tribal implications if immediate action is required to address a present and immediate threat to the health, safety, or welfare of Minnesota citizens. For these actions, every effort should be made to communicate, and formal consultation should occur as soon as possible. The duty to consult also does not apply to criminal proceedings or other investigations or legal proceedings that prohibit an agency from disclosure.

(i) An agency must designate a Tribal liaison to assume responsibility for implementation of the Tribal consultation policy and to serve as the principal point of contact for Minnesota Tribal governments. The Tribal liaison must be able to directly and regularly meet and communicate with the agency's commissioner and deputy and assistant commissioners in order to appropriately conduct government-to-government consultation and cooperation.

(j) The state has instituted Tribal-state government relations training, which is the foundation and basis of all other Tribal government relations training sources. All agencies must direct certain staff to complete available training to foster a collaborative relationship between the state of Minnesota and Minnesota Tribal governments, and to facilitate timely and meaningful consultation. In addition to all commissioners, deputy commissioners, and assistant commissioners, at a minimum all agency employees whose work is likely to include matters that have Tribal implications must attend Tribal-state relations training. Tribal liaisons must actively support and participate in the Tribal-state relations training.

(k) Any agency or board that is not listed in the definition of agency in subdivision 2 is encouraged to and may engage in consultation and communication with the Minnesota Tribal governments for all matters that have Tribal implications.

Subd. 4. **Applicability.** Nothing in this section requires the state or an agency to violate or ignore any laws, rules, directives, or other legal requirements or obligations imposed by state or federal law or set forth in agreements or compact between one or more Minnesota Tribal governments or any other Tribal government and the state or its agencies. This section is not intended to, and does not, create any right to administrative or judicial review, or any other right, benefit, or responsibility, substantive or procedural, enforceable against the state of Minnesota, its agencies or instrumentalities, its officers or employees, or its subdivisions or any other persons. Nothing in this section prohibits or limits any agency from asserting any rights or pursuing any administrative or judicial action under state or federal law to effectuate the interests of the state of Minnesota or any of its agencies. Nothing in this section is intended to alter or reduce the state's duties to individual Minnesota citizens including those of Native American descent.

History: 2021 c 31 art 2 s 16; 1Sp2021 c 14 art 11 s 5