

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 4428

(SENATE AUTHORS: MITCHELL and Kunesch)

DATE	D-PG	OFFICIAL STATUS
02/29/2024	11853	Introduction and first reading Referred to State and Local Government and Veterans

1.1

A bill for an act

1.2

relating to state government; adding the Public Utilities Commission to the list of

1.3

agencies subject to certain obligations to Tribal governments; amending Minnesota

1.4

Statutes 2023 Supplement, section 10.65, subdivision 2.

1.5

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

1.6

Section 1. Minnesota Statutes 2023 Supplement, section 10.65, subdivision 2, is amended

1.7

to read:

1.8

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings

1.9

given:

1.10

(1) "agency" means the Department of Administration; Department of Agriculture;

1.11

Department of Children, Youth, and Families; Department of Commerce; Department of

1.12

Corrections; Department of Education; Department of Employment and Economic

1.13

Development; Department of Health; Office of Higher Education; Housing Finance Agency;

1.14

Department of Human Rights; Department of Human Services; Department of Information

1.15

Technology Services; Department of Iron Range Resources and Rehabilitation; Department

1.16

of Labor and Industry; Minnesota Management and Budget; Bureau of Mediation Services;

1.17

Department of Military Affairs; Metropolitan Council; Department of Natural Resources;

1.18

Pollution Control Agency; Department of Public Safety; Department of Revenue; Department

1.19

of Transportation; Department of Veterans Affairs; Gambling Control Board; Racing

1.20

Commission; the Minnesota Lottery; the Animal Health Board; the Public Utilities

1.21

Commission; and the Board of Water and Soil Resources;

1.22

(2) "consultation" means the direct and interactive involvement of the Minnesota Tribal

1.23

governments in the development of policy on matters that have Tribal implications.

2.1 Consultation is the proactive, affirmative process of identifying and seeking input from  
2.2 appropriate Tribal governments and considering their interest as a necessary and integral  
2.3 part of the decision-making process. This definition adds to statutorily mandated notification  
2.4 procedures. During a consultation, the burden is on the agency to show that it has made a  
2.5 good faith effort to elicit feedback. Consultation is a formal engagement between agency  
2.6 officials and the governing body or bodies of an individual Minnesota Tribal government  
2.7 that the agency or an individual Tribal government may initiate. Formal meetings or  
2.8 communication between top agency officials and the governing body of a Minnesota Tribal  
2.9 government is a necessary element of consultation;

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

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

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

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2024.