

Office of the Governor

Executive Order # 02-10: Order to Affirm the Government-to-Government Relationship Between the State of Minnesota and Indian Tribal Governments Located Within the State of Minnesota

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the constitution and the applicable statutes, do hereby issue this executive order.

WHEREAS, the United States and the State of Minnesota have a unique legal relationship with Indian tribes, as affirmed by the Constitution of the United States, treaties and statutes; and

WHEREAS, within Minnesota there are eleven federally recognized tribes with elected or appointed tribal governments; and

WHEREAS, the State of Minnesota, a sovereign state within the United States, recognizes the inherent sovereignty of Indian tribes and their right to existence, self government and self determination; and

WHEREAS, state regulations and other policy statements or actions often have an impact on Indian tribes; and

WHEREAS, state and tribal governments both play key roles in serving all citizens of Minnesota and collaboration between tribes and states will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development; and

WHEREAS, in order to advance both state and tribal concerns, it is necessary to maintain and foster a government-to-government relationship that is built on mutual respect for the sovereignty of both state and tribal governments;

NOW, THEREFORE I hereby order that:

1. Agencies of the State of Minnesota and persons employed by state agencies (the "State") shall recognize the unique legal relationship between the State of Minnesota and Indian tribes, respect the fundamental principles that establish and maintain this relationship and accord tribal governments the same recognition and respect accorded to other governments.
2. When undertaking to formulate and implement policies that directly affect Indian tribes and their members, the State and its agencies must recognize the unique government-to-government relationship between the State and Indian tribes and whenever feasible consult with the governments of the affected Indian tribe or tribes regarding a State action or proposed action anticipated to directly affect an Indian tribe.
3. In instances where the State assumes control over formerly federal programs, state agencies shall consider unique tribal needs and endeavor to ensure that tribal interests are not overlooked. Where a federal program provided the tribes the option of controlling programs, functions, services and activities, the state agency should continue the option if possible. If so requested by one or more tribes, the agency shall review the feasibility of transferring control over a program to one or more tribes if the program functions, services and activities are intended to directly benefit tribes. Such a study shall not be performed on more than a biennial basis. The results of the feasibility study shall be reported by the agency to the Governor.
4. State agencies and persons employed by State agencies shall work cooperatively to accomplish the goals of this order and at all times act in a manner consistent with this order.

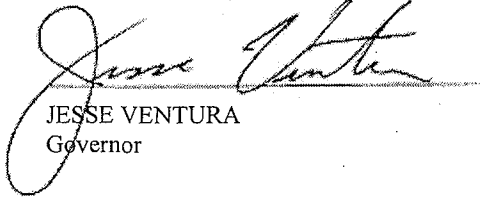
Nothing in this order shall require state agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law, or set forth in agreements or compacts entered into one or more Indian Tribes and the state or one or more of its agencies.

This order shall be reviewed by the Governor, every two years in order to assess its effectiveness, implementation and reasonableness, and to identify any areas of concern.

Pursuant to *Minnesota Statutes* 2000, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2000, section 4.035, subd. 3.


Executive Orders

IN TESTIMONY WHEREOF, I have set my hand this 16th day of October 2002.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER
Secretary of State