

1 SENATE BILL NO. 379
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6

7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CONSULTATION BETWEEN
8 STATE AGENCIES AND TRIBAL GOVERNMENTS; REQUIRING STATE AGENCIES TO CREATE WRITTEN
9 CONSULTATION POLICIES; REQUIRING STATE AGENCIES TO DESIGNATE AN EMPLOYEE AS A
10 TRIBAL LIAISON; REVISING AGENCY REPORTING REQUIREMENTS TO THE GOVERNOR; DEFINING
11 "CONSULTATION"; AND AMENDING SECTIONS 2-15-141 AND 2-15-143, MCA."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15 **Section 1.** Section 2-15-141, MCA, is amended to read:

16 **"2-15-141. Definitions.** As used in 2-15-141 through 2-15-143, the following definitions apply:

17 (1) "Consultation" means a formal, direct, interactive, and timely process of engagement carried
18 out by state agencies to seek, discuss, and consider the views of tribal governments and, when feasible, to
19 seek agreement regarding state proposed actions that may affect tribal interests.

20 (2) "State agency" means a department, board, or commission of the executive branch of state
21 government the department of administration, the department of agriculture, the department of commerce, the
22 department of corrections, the department of environmental quality, the department of fish, wildlife, and parks,
23 the department of justice, the department of labor and industry, the department of livestock, the department of
24 military affairs, the department of natural resources and conservation, the department of public health and
25 human services, the office of public instruction, the department of revenue, and the department of
26 transportation.

27 (3) "Tribal government" means the officially recognized government of any tribe or nation.

1 (3)(4) "Tribal officials" means the elected or appointed officials of a tribal government.

2 (4)(5) "Tribe" means an Indian tribe that is recognized by federal law or formally acknowledged by the
3 state."

5 **Section 2.** Section 2-15-143, MCA, is amended to read:

6 **"2-15-143. Training and consultation Consultation and training -- duties of tribal liaison. (1)**

7 When establishing a government-to-government relationship with tribal governments, a state agency shall:

8 (a) collaborate with tribal governments in the development of policies, agreements, administrative
9 rules, and program implementation that directly affect Indian tribes;

10 (b) consult with tribal governments as often as is required to address matters that have tribal
11 implications;

12 (c) develop a written consultation policy in coordination with representatives of each federally
13 recognized tribe in the state that is used by the agency for issues involving specific Indian tribes. A consultation
14 policy must be created by January 1, 2026, and be updated as often as required to facilitate timely and
15 meaningful consultation, but no less than biannually.

16 (d) provide tribal governments in the state with a copy of the agency's initial consultation policy and
17 all subsequent updates to the policy;

18 (e) designate an agency employee to act as a tribal liaison who reports directly to the head of the
19 state agency; and

20 (f) ensure that a tribal liaison receives regular trainings that assist in the liaison's job functions,
21 including but not limited to the training prescribed in subsection (4).

22 (2) The position of tribal liaison within a state agency is responsible for:

23 (a) assisting the state agency in developing and implementing state and agency policies that
24 promote effective communication and collaboration between the state agency and tribal governments;

25 (b) serving as a contact person with tribal governments and maintaining communication between
26 the state agency and affected tribal governments; and

27 (c) coordinating training of state agency employees in government-to-government relations that