

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;
11 ESTABLISHING REPORTING REQUIREMENTS; DEFINING "CONSULTATION"; AND AMENDING
12 SECTIONS 2-15-141 AND 2-15-143, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 2-15-141, MCA, is amended to read:

17 "2-15-141. **Definitions.** As used in 2-15-141 through 2-15-143, the following definitions apply:

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

21 (1)(2) "State agency" means a department, board, or commission of the executive branch of state
22 government ~~a department, board, or commission of the executive branch of state government~~ THE DEPARTMENT
23 OF ADMINISTRATION, THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF COMMERCE, THE DEPARTMENT OF
24 CORRECTIONS, THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, THE
25 DEPARTMENT OF JUSTICE, THE DEPARTMENT OF LABOR AND INDUSTRY, THE DEPARTMENT OF LIVESTOCK, THE
26 DEPARTMENT OF MILITARY AFFAIRS, THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, THE DEPARTMENT
27 OF PUBLIC HEALTH AND HUMAN SERVICES, THE OFFICE OF PUBLIC INSTRUCTION, THE DEPARTMENT OF REVENUE, AND

1 THE DEPARTMENT OF TRANSPORTATION.

2 (2)(3) "Tribal government" means the officially recognized government of any tribe or nation.

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

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

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

8 **"2-15-143. Training and consultation Consultation and training -- duties of tribal liaison --**

9 REPORTING. (1) When establishing a In the exercise of the government-to-government relationship with tribal
10 governments, a state agency employing a tribal liaison shall:

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

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

15 (c)(2) (a) The executive branch, as defined in 2-15-102, shall develop a written consultation policy in
16 coordination with representatives of each federally recognized tribe in the state that is used by the agency for
17 issues involving specific Indian tribes. A consultation policy must be created by January JULY 1, 2026, and be
18 updated as often as required to facilitate timely and meaningful consultation, but no less than biannually
19 ANNUALLY.

20 (b) A state agency may develop a written consultation policy specific to the agency's jurisdictions
21 and responsibilities consistent with this section.

22 (d)(c) The governor's director of Indian affairs shall provide tribal governments in the state with a
23 copy of the agency's initial any consultation policy developed under this section and all subsequent updates to
24 the policy.

25 (e) designate an agency employee BY JULY 1, 2026, to act as a tribal liaison who reports directly to
26 the head of the state agency; and

27 (f) ensure that a tribal liaison receives regular trainings that assist in the liaison's job functions.

1 including but not limited to the training prescribed in subsection (4).

2 (2)(3) The position of tribal liaison withinSubject to the availability of appropriations, a state agency is
3 responsible formay designate a tribal liaison to:

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

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

8 (c) coordinating coordinate training of state agency employees in government-to-government
9 relations that includes at a minimum:

10 (i) effective communication and collaboration between state agencies and Indian tribes; and

11 (ii) cultural competency in providing effective services to tribal governments and tribal members.

12 (d) Subject to the availability of appropriations, the governor's director of Indian affairs shall carry
13 out the functions of this section for any state agency that has not designated a tribal liaison.

14 (3)(4) A state agency and a tribal government may agree that a formal consultation is not necessary
15 on a given matter that has tribal implications. The agency shall keep a written record of this decision.

16 (1)(4)(5) At least once a year, the governor's office and a trainer selected by the tribal
17 governments shall provide training in Helena or a site mutually agreed upon to state agency managers and key
18 employees who have regular communication with tribes on the legal status of tribes, the legal rights of tribal
19 members, and social, economic, and cultural issues of concern to tribes.

20 (2)(5)(6) At least annually, the governor shall convene in Helena a working meeting with
21 representatives of state agencies and tribal officials, including tribal presiding officers, to discuss:

22 (a) tribal concerns with rules and policies that directly impact tribal government and tribal
23 populations;

24 (b) other issues of concern to either the state or the tribes; and

25 (c) potential solutions to the concerns.

26 (3)(6)(7) By August 15 of each year, each state agency shall submit to the governor its current
27 written consultation policy pursuant to this section, documentation of any relevant trainings completed by its

Amendment - 1st Reading/2nd House-blue - Requested by: Tyson Running Wolf - (H) State Administration

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Drafter: Rebecca Power,

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1 tribal liaison or other agency employees, and a report for the prior fiscal year describing the activities of the
2 state agency relating to tribal government and tribal populations. The report must include:
3 (a) any rule or policy changes that the state agency adopted because of discussions under
4 subsection (2)(a)(5)(a) (6)(a);
5 (b) the process that the state agency has established to identify the activities of the state agency
6 that affect tribes;
7 (c) the efforts of the state agency to promote communication and the government-to-government
8 relationship between the state agency and the tribes; and
9 (d) the efforts of the state agency to ensure tribal consultation and the use of American Indian data
10 in the development and implementation of agency programs that directly affect tribes.

11 (4)(7)(8) By September 15 of each year, the governor shall provide to each tribal government a
12 report with an overview of all state and tribal activities for the prior fiscal year, including a description of the
13 training required under subsection (1)(4) (5). It is the intent of the legislature that this report be prepared within
14 existing levels of funding.

15 (8)(9) IN ACCORDANCE WITH 5-11-210:

16 (A) EACH AGENCY the governor's director of Indian affairs, in collaboration with any agency tribal
17 liaisons designated under this section, SHALL REPORT QUARTERLY TO THE INTERIM BUDGET COMMITTEE THAT HAS
18 OVERSIGHT RESPONSIBILITY FOR THE AGENCY PURSUANT TO 5-12-501 ON THE IMPLEMENTATION OF [THIS ACT]; AND
19 (B) THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL PROVIDE TO THE LEGISLATIVE FINANCE
20 COMMITTEE AT EACH COMMITTEE MEETING A SUMMARY REPORT ON THE IMPLEMENTATION OF [THIS ACT]."

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22 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a
23 copy of [this act] to each federally recognized tribal government in Montana.

24 - END -