

1 *** BILL NO. ***

2 INTRODUCED BY ***

3 BY REQUEST OF THE ***

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE STATE TRIBAL CONSULTATION PILOT
6 PROGRAM; REQUIRING CERTAIN STATE AGENCIES TO CREATE WRITTEN CONSULTATION POLICIES
7 AND DESIGNATE A TRIBAL LIAISON; PROVIDING REPORTING REQUIREMENTS; PROVIDING A
8 TERMINATION DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. **Section 1. State tribal consultation pilot program.** (1) There is a state tribal
13 consultation pilot program. The program is established to support efforts to improve communication and
14 collaboration between state agencies and tribal governments on matters that have tribal implications.

15 (2) The governor shall designate three state agencies to participate in the pilot program. Agencies
16 selected must have regular interaction with tribal governments or programs that directly affect tribal
17 communities.

18 (3) Each participating agency must:

19 (a) designate a tribal liaison, who may be an existing employee, by December 1, 2027. The liaison
20 shall:

21 (i) assist the agency in developing and implementing state and agency policies that promote
22 effective communication and collaboration between and with tribal governments;

23 (ii) serve as a contact person with tribal governments and maintain communication between the
24 agency and tribal governments; and

25 (iii) coordinate training of state agency employees in government-to-government relations that
26 includes at a minimum:

27 (A) effective communication and collaboration between state agencies and Indian tribes; and

28 (B) cultural competency in providing effective services to tribal governments and tribal members.

- (b) develop one written consultation policy appropriate to the agency's functions. The policy must:
- (i) be created in cooperation with representatives of each federally recognized tribe in the state;
- (ii) be completed by December 31, 2027; and
- (iii) be updated no less than annually.
- (c) implement procedures for engaging with tribal governments on actions, policies, or rules that have direct tribal implications; and
- (d) track consultation activities conducted under the pilot program.
- (4) An agency and a tribal government may agree that a formal consultation is not necessary on a given matter that has tribal implications. The agency shall keep a written record of this decision.
- (5) The pilot program must exist for a period of two years from the date of implementation.
- (6) Each agency involved in the program must submit an annual report to the governor and the state-tribal relations committee. The report must include:
- (a) a description of consultation activities conducted;
- (b) the types of actions or decisions that involved consultation;
- (c) feedback from tribal governments, if available;
- (d) any challenges or barriers to implementation;
- (e) estimated staff time and resource impacts; and
- (f) recommendations for future legislative action, if any.
- (7) Upon completion of the pilot program, the state-tribal relations committee shall review the pilot program in coordination with the participating agencies and report any findings or recommendations to the legislature, including but not limited to:
- (a) expanding the consultation framework to additional agencies;
- (b) adopting a statewide statutory framework; or
- (c) taking no further action.
- (8) For the purposes of this section, the following definitions apply:
- (a) "Agency" means the three state agencies selected by the governor for participation in the pilot program;
- (b) "Consultation" means a formal, direct, interactive, and timely process of engagement carried

1 out by state agencies to seek, discuss, and consider the views of tribal governments and, when feasible, to
2 seek agreement regarding state proposed actions that may affect tribal interests.

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

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

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7 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a
8 copy of [this act] to each federally recognized tribal government in Montana.

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10 **NEW SECTION. Section 3. Termination.** [This act] terminates December 31, 2029, unless extended
11 by the legislature.

12 - END -