

HOUSE BILL NO. 797

INTRODUCED BY J. WINDY BOY, B. MOLNAR, J. SMALL, B. MERCER, F. NAVE, L. BREWSTER, L.

HELLEGAARD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DESIGNATED STATE AGENCIES TO SUBMIT REPORTS TO THE OFFICE OF BUDGET AND PROGRAM PLANNING ON INFORMATION RELATED TO FINANCIAL ASSISTANCE PROVIDED TO TRIBAL ENTITIES; REQUIRING THE OFFICE OF BUDGET AND PROGRAM PLANNING TO COMPILE A REPORT ON FINANCIAL ASSISTANCE PROVIDED BY DESIGNATED STATE AGENCIES DIRECTLY OR INDIRECTLY TO TRIBAL ENTITIES AND SUBMIT THE REPORT IN AN ELECTRONIC FORMAT TO THE STATE-TRIBAL RELATIONS COMMITTEE AND THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; REQUIRING THE REPORT COMPILED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING TO BE POSTED ON THE WEBSITE OF THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 and 2], the following definitions apply:

- (1) (a) "Designated state agency" means:
 - (i) the department of administration;
 - (ii) the department of agriculture;
 - (iii) the arts council;
 - (iv) the office of the state auditor;
 - (v) the board of regents;
 - (vi) the department of commerce;
 - (vii) the department of corrections;
 - (viii) the department of environmental quality;
 - (ix) the department of fish, wildlife, and parks;

- 1 (x) the governor's office;
- 2 (xi) the department of labor and industry;
- 3 (xii) the department of livestock;
- 4 (xiii) the department of military affairs;
- 5 (xiv) the Montana board of crime control;
- 6 (xv) the department of natural resources and conservation;
- 7 (xvi) the commissioner of political practices;
- 8 (xvii) the office of the state public defender;
- 9 (xviii) the board of public education;
- 10 (xix) the department of public health and human services;
- 11 (xx) the office of public instruction;
- 12 (xxi) the public service commission;
- 13 (xxii) the department of revenue;
- 14 (xxiii) the school for the deaf and blind;
- 15 (xxiv) the office of the secretary of state;
- 16 (xxv) the state fund;
- 17 (xxvi) the state library;
- 18 (xxvii) the department of transportation;
- 19 (xxviii) the office of the commissioner of higher education; or
- 20 (xxix) the department of justice.
- 21 (b) The term does not include the judicial branch, the legislative branch, or an office or other entity
- 22 within the judicial branch or the legislative branch.
- 23 (2) (a) "Financial assistance" means assistance provided directly or indirectly to a tribal entity
- 24 either as state funds or as federal funds provided through a state agency to carry out a program. Financial
- 25 assistance may be in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property,
- 26 interest subsidies, insurance, direct appropriations, or other noncash assistance. Financial assistance includes
- 27 awards received directly or indirectly by a tribal entity as state funds or as federal funds passed through a state
- 28 agency directly or indirectly from a subrecipient. The granting agency is responsible for identifying the source of

1 funds awarded to tribal entity recipients.

2 (b) The term does not include federal, state, or local government cash assistance provided directly
3 to individuals.

4 (3) "Subrecipient" means a third party who receives state funds or federal funds through a state
5 agency that the third party ultimately provides to a tribal entity in the form of financial assistance.

6 (4) "Tribal entity" means a tribal nation, tribal council, or tribal government located in the state of
7 Montana.

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9 NEW SECTION. Section 2. Funding for tribal entities -- reporting. (1) Following the close of each
10 fiscal year, a designated state agency that has distributed funds to a tribal entity or has received or retained
11 funds related to a program that indirectly or directly provides financial assistance to a tribal entity shall prepare
12 a report that identifies all financial assistance distributed by the designated state agency directly or indirectly to
13 a tribal entity in the previous fiscal year.

14 (2) The report must provide the following information:

15 (a) the amount distributed directly to a tribal entity;

16 (b) the amount distributed to a subrecipient that was ultimately distributed to a tribal entity;

17 (c) the date the amount was distributed to a tribal entity or subrecipient;

18 (d) the tribal entity receiving the financial assistance;

19 (e) the Catalog of Federal Domestic Assistance reference number, if applicable;

20 (f) the purpose of the distribution;

21 (g) the amount of any management or administrative costs or fees assessed, charged, or retained
22 by the designated state agency for distributing the financial assistance;

23 (h) for funds distributed pursuant to a program administered by a designated state agency, the
24 program through which the funds were distributed; and

25 (i) for federal funds, any other amount retained by the agency and for what purpose.

26 (3) A designated state agency that prepares a report in accordance with subsection (1) shall
27 submit the report to the office of budget and program planning on or before August 1 of each year.

28 (4) The office of budget and program planning shall prepare an annual report that compiles and

1 summarizes the reports that the office of budget and program planning receives in accordance with subsection
2 (3).

3 (5) On or before September 1 of each year, the office of budget and program planning shall submit
4 the report required by subsection (4) to:

5 (a) the state-tribal relations committee, in accordance with 5-11-210;

6 (b) the office of state director of Indian affairs provided for in 2-15-217; and

7 (c) each tribal government located on the seven Indian reservations in Montana and to the Little
8 Shell Chippewa tribe.

9 (6) The report required by subsection (4) must be posted on the website of the office of state
10 director of Indian affairs.

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

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15 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
16 as an new part of Title 17, chapter 2, and the provisions of Title 17, chapter 2, apply to [sections 1 and 2].

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18 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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