

HOUSE BILL NO. 699
INTRODUCED BY J. WINDY BOY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE LEGISLATURE'S INTENT TO DISTRIBUTE LOW-INCOME ENERGY ASSISTANCE FUNDS TO MONTANA TRIBES IN A FAIR AND EQUITABLE MANNER; ESTABLISHING GUIDELINES FOR DETERMINING THE TRIBAL SHARE OF FEDERAL LOW-INCOME ENERGY ASSISTANCE FUNDS; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Low-income energy assistance program -- tribal allocations -- legislative findings and intent. (1) The Montana legislature recognizes that:

(a) the payments made pursuant to the federal Low-Income Home Energy Assistance Act of 1981 provide needy families with critical assistance with heating bills during Montana's harsh winter months;

(b) the U.S. census traditionally undercounts the number of people living on Indian reservations; and

(c) basing a tribe's share of the low-income energy assistance block grant on census figures may not meet the energy assistance needs of tribal members.

(2) It is the intent of the Montana legislature that Montana's tribal governments receive a fair and equitable share of the federal low-income energy assistance program funds allocated to the state each year.

(3) To ensure the fair and equitable distribution of low-income energy assistance program funds, the department shall:

(a) negotiate a memorandum of understanding separately with each tribal government in Montana to determine each tribe's share of the low-income energy assistance program block grant;

(b) renegotiate the terms of the memorandum of understanding every 3 years; and

(c) base the percentage of low-income energy assistance funds set aside for the tribal allocation on the ratio of Indian households each tribe reported serving to the total number of Montana households eligible for low-income energy assistance. Numbers used for the purpose of calculating the tribal share must be those reported to the federal government in the federal fiscal year immediately preceding the beginning of the period for which the next memorandum of understanding is being negotiated.

(4) Each tribe shall establish guidelines for determining the type of household to be considered an Indian household for purposes of this section using the following criteria:

(a) the household income is at or below 150% of the federal poverty level or 60% of the median state income; and

(b) (i) the head of household or the spouse of the head of household is Indian; or

(ii) the head of household or spouse of the head of household is either an enrolled member of the tribe or a direct descendant of an enrolled member of the tribe.

NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 2, part 2, and the provisions of Title 53, chapter 2, apply to [section 1].

NEW SECTION. **Section 4. Effective date -- applicability date.** [This act] is effective July 1, 2007, and applies to the distribution of low-income energy assistance funds beginning with the heating season that begins in October 2008.

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