

Amendment - 1st Reading/2nd House-blue - Requested by: Dan Bartel - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Sue O'Connell, 406-444-3597

HB0797.001.001

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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 LEGISLATIVE FINANCE 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;

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

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1 interest subsidies, insurance, direct appropriations, or other noncash assistance. Financial assistance includes
2 awards received directly or indirectly by a tribal entity as state funds or as federal funds passed through a state
3 agency directly or indirectly from a subrecipient. The granting agency is responsible for identifying the source of
4 funds awarded to tribal entity recipients.

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

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

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

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

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

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

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

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

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

22 (e) the ~~Catalog of Federal Domestic Assistance reference number~~ federal assistance listings
23 number, if applicable;

24 (f) the purpose of the distribution;

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

27 (h) for funds distributed pursuant to a program administered by a designated state agency, the

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1 program through which the funds were distributed; and

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

3 (3) A designated state agency that prepares a report in accordance with subsection (1) shall

4 submit the report to the office of budget and program planning on or before ~~August 1~~August 15 of each year.

5 (4) The office of budget and program planning shall prepare an annual report that compiles and
6 summarizes the reports that the office of budget and program planning receives in accordance with subsection

7 (3).

8 (5) On or before September ~~1~~15 of each year, the office of budget and program planning shall
9 submit the report required by subsection (4) to:

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

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

12 (c) each tribal government located on the seven Indian reservations in Montana and to the Little

13 Shell Chippewa tribe; ~~and~~

14 (d) the legislative finance committee established in 5-12-201.

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

17
18 NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a
19 copy of [this act] to each federally recognized tribal government in Montana.

20
21 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
22 as ~~an a~~ new part ~~of in~~ Title 17, chapter 2, and the provisions of Title 17, chapter 2, apply to [sections 1 and 2].

23
24 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

25 - END -