

LANGUAGE AND CULTURE: PRESERVATION AND IMMERSION

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to detailed information about the introduced bills.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: The bills included in this primer focus on preservation of American Indian language and culture or address historic preservation more broadly.

In 2013, the Legislature passed the [Montana Indian Language Preservation Pilot Program](#), which appropriated \$2 million for tribes' efforts to preserve languages in spoken, written, and signed form. Set to terminate in 2015, the Legislature extended the program to 2019 and provided another \$2.5 million. (That amount was reduced by \$250,000 during the November 2017 special session.) The 2019 Legislature extended the program to 2023 and appropriated another \$1.5 million.

In 2015, the Legislature passed the [Cultural Integrity Commitment Act](#), which appropriated \$45,000 for Indian language immersion programs at school districts encompassing or adjacent to a reservation. Originally set to expire in 2019, the legislature extended the Act to 2023 and appropriated another \$96,000.

The [Human Skeletal Remains and Burial Site Protection Act](#) protects burial sites discovered after 1991 on private and state land while the [Montana Repatriation Act](#) (MRA) addresses sites discovered prior to 1991. The MRA requires state agencies and certain museums to inventory skeletal remains or funerary objects within their control with an option to repatriate them to tribes upon request. In 2015, 2017, and 2019, legislators introduced bills to prohibit the sale or trade of cultural patrimony, sacred objects, replicas, and reproductions. None passed.

The 2019 Legislature saw a trio of bills aimed at protecting heritage properties and cultural sites from proposed development. None passed.

Other Materials:

- [Cultural Patrimony & Sacred Objects and Sites: State and Federal Laws](#), LSD, October 2015
- [Language Immersion Charter Schools on Reservations and Potential Impacts on Student Outcomes](#), LSD, Sept 2017
- [English learners, funding options, and Indian language immersion](#), LSD, May 2018
- [American Indian Student Achievement Data Report](#), OPI, Fall 2018

Introduced Legislation

2019

[House Bill No. 33](#) -- Chapter Number Assigned -- AN ACT EXTENDING THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; AMENDING SECTION 7, CHAPTER 410, LAWS OF 2013, SECTIONS 3 AND 7, CHAPTER 426, LAWS OF 2015, AND SECTIONS 2, 3, 4, AND 9, CHAPTER 232, LAWS OF 2017; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 40](#) -- (H) Died in Standing Committee -- AN ACT CREATING THE REENTRY CULTURAL PROGRAMMING GRANT PROGRAM; DEFINING "CULTURAL PROGRAMMING"; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 41](#) -- Chapter Number Assigned -- AN ACT EXTENDING THE CULTURAL INTEGRITY COMMITMENT ACT; AMENDING SECTION 10, CHAPTER 442, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 219](#) -- (S) Died in Standing Committee -- AN ACT REVISING LEGAL HOLIDAYS IN MONTANA; ESTABLISHING INDIGENOUS PEOPLES' DAY; REMOVING COLUMBUS DAY; AND AMENDING SECTION 1-1-216, MCA.

[House Bill No. 263](#) -- (H) Died in Process -- AN ACT REVISING LAWS RELATED TO INDIAN LANGUAGE IMMERSION PROGRAMS IN SCHOOLS; REVISING ELIGIBILITY CRITERIA; INCLUDING FUNDING IN THE SCHOOL FUNDING FORMULA; REMOVING THE TERMINATION DATE; AMENDING SECTIONS 20-7-1403 AND 20-7-1404, MCA; REPEALING SECTION 10, CHAPTER 442, LAWS OF 2015; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 271](#) -- (H) Died in Process -- AN ACT GENERALLY REVISING THE MAJOR FACILITY SITING ACT; ESTABLISHING SITING REQUIREMENTS FOR CERTAIN PIPELINES; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH CERTAIN REQUIREMENTS FOR PIPELINES; REVISING REQUIREMENTS FOR ISSUING A CERTIFICATE; REVISING THE TIME LIMITS FOR VOIDING CERTAIN CERTIFICATES UNDER THE MAJOR FACILITY SITING ACT; AMENDING SECTIONS 22-3-433, 75-20-301, 75-20-303, 75-20-304, AND 75-20-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A RETROACTIVE APPLICABILITY DATE.

[House Bill No. 371](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING ONGOING FUNDING OF INDIAN LANGUAGE PRESERVATION PROGRAMS; CREATING THE INDIAN LANGUAGE PRESERVATION STATE SPECIAL REVENUE ACCOUNT; PROVIDING AN APPROPRIATION; AMENDING SECTION 15-35-108, MCA; AND PROVIDING AN EFFECTIVE DATE.

LANGUAGE AND CULTURE: PRESERVATION AND IMMERSION

[House Bill No. 452](#) -- (H) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATED TO CONSULTATION OF TRIBES REGARDING IMPACTS TO HERITAGE PROPERTIES; REDEFINING "HERITAGE PROPERTY"; REQUIRING CONSULTATION WITH TRIBAL HISTORIC PRESERVATION OFFICERS; EXPANDING RULEMAKING AUTHORITY; EXPANDING LANDS ON WHICH IMPACTS TO HERITAGE PROPERTIES MUST BE ASSESSED; AND AMENDING SECTIONS 22-3-421, 22-3-423, 22-3-424, 22-3-428, 22-3-429, 22-3-430, 22-3-432, 22-3-433, 22-3-435, AND 82-4-434, MCA.

[House Bill No. 466](#) -- (H) Died in Standing Committee -- AN ACT APPROPRIATING FUNDS TO THE MONTANA DIGITAL ACADEMY FOR AN INDIAN LANGUAGE AND CULTURE MIDDLE SCHOOL SAMPLER COURSE; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 524](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO INSTALLATION OF AN AMERICAN INDIAN MONUMENT AND TRIBAL FLAGS ON THE CAPITOL COMPLEX; CLARIFYING ROLES OF THE GOVERNOR AND THE ADVISORY COMMITTEE; ADDING REPRESENTATION BY THE LITTLE SHELL CHIPPEWA TRIBE; AMENDING SECTIONS 22-2-601 AND 22-2-602, MCA; REPEALING SECTION 3, CHAPTER 569, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 637](#) -- (H) Died in Process -- AN ACT PROHIBITING THE SALE OR OTHER COMMERCIAL TRANSACTION OF CULTURAL PATRIMONY AND SACRED OBJECTS; PROVIDING REQUIREMENTS TO ESTABLISH AN OBJECT AS CULTURAL PATRIMONY OR A SACRED OBJECT; PROVIDING A PENALTY; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 22-3-802, 22-3-803, 22-3-804, AND 22-3-808, MCA.

[House Joint Resolution No. 20](#) -- Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA STRONGLY SUPPORTING THE UNITED NATIONS' PROCLAMATION OF 2019 AS THE INTERNATIONAL YEAR OF INDIGENOUS LANGUAGES.

[Senate Bill No. 97](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATED TO COMMON CARRIER PIPELINES; ESTABLISHING SITING REQUIREMENTS; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH CERTAIN LEAK PREVENTION AND DETECTION REQUIREMENTS; REVISING REQUIREMENTS FOR ISSUING A CERTIFICATE; REVISING TIME LIMITS FOR VOIDING CERTAIN CERTIFICATES UNDER THE MAJOR FACILITY SITING ACT; AMENDING SECTIONS 22-3-433, 75-20-216, 75-20-301, 75-20-303, 75-20-304, AND 75-20-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES.

2017

[House Bill No. 37](#) -- Chapter Number Assigned - AN ACT REVISING THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; EXTENDING THE PROGRAM; ALLOWING FOR PRESERVATION OF SUNG LANGUAGE; ALLOWING STATE FUNDS TO BE USED AS MATCHING FUNDS; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-9-537, MCA, SECTION 7, CHAPTER 410, LAWS OF 2013, SECTION 3, CHAPTER 426, LAWS OF 2015, AND SECTION 7, CHAPTER 426, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 113](#) -- Chapter Number Assigned - AN ACT ALLOWING STATE FUNDS TO BE USED AS MATCHING FUNDS FOR INDIAN LANGUAGE IMMERSION PROGRAMS; AMENDING SECTION 20-7-1404, MCA; AND PROVIDING AN EFFECTIVE DATE.

LANGUAGE AND CULTURE: PRESERVATION AND IMMERSION

[House Bill No. 114](#) – Died in Process - AN ACT PROHIBITING THE SALE OR OTHER COMMERCIAL TRANSACTION OF CULTURAL PATRIMONY AND SACRED OBJECTS; PROVIDING REQUIREMENTS TO ESTABLISH AN OBJECT AS CULTURAL PATRIMONY OR A SACRED OBJECT; PROVIDING A PENALTY; AND PROVIDING DEFINITIONS.

[House Bill No. 190](#) – Died in Process - AN ACT ENCOURAGING SCHOOL DISTRICTS TO OFFER DUAL LANGUAGE IMMERSION PROGRAMS IN THE EARLY GRADES; PROVIDING A GRANT PROGRAM TO SUPPORT DUAL LANGUAGE IMMERSION PROGRAMS; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADMINISTER THE GRANT PROGRAM AND PROVIDE SUPPORT FOR DUAL LANGUAGE IMMERSION PROGRAMS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 14](#) – (S) Died in Standing Committee - AN ACT EXPANDING ELIGIBILITY REQUIREMENTS FOR INDIAN LANGUAGE IMMERSION PROGRAMS; REVISING THE AMOUNT OF TIME A PROGRAM MUST PROVIDE INSTRUCTION IN INDIAN LANGUAGE; AMENDING SECTION 20-7-1403, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 319](#) – Chapter Number Assigned - AN ACT PROHIBITING A STATE AGENCY OR LOCAL GOVERNMENT FROM PROHIBITING AN INDIVIDUAL FROM WEARING TRADITIONAL TRIBAL REGALIA OR OBJECTS OF CULTURAL SIGNIFICANCE AT CERTAIN PUBLIC EVENTS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2015

[House Bill No. 559](#) – Chapter Number Assigned - AN ACT REVISING THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; ALLOWING TRIBAL GOVERNMENTS OR THEIR DESIGNEES TO ADMINISTER LOCAL PROGRAMS; REMOVING THE REQUIREMENT FOR LOCAL PROGRAM ADVISORY BOARDS; REQUIRING THE LOCAL PROGRAMS TO REPORT TO THE STATE-TRIBAL ECONOMIC DEVELOPMENT COMMISSION; REQUIRING THE COMMISSION TO REPORT TO THE LEGISLATURE; PROVIDING AN APPROPRIATION; AMENDING SECTION 7, CHAPTER 410, LAWS OF 2013; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 585](#) – (H) Missed Deadline for Revenue Bill Transmittal - AN ACT PROHIBITING THE SALE OR TRADE OF CULTURAL PATRIMONY AND SACRED OBJECTS; PROVIDING DEFINITIONS; ESTABLISHING AN OBJECT AS AN OBJECT OF CULTURAL PATRIMONY OR A SACRED OBJECT; AND PROVIDING A PENALTY.

[Senate Bill No. 272](#) – Chapter Number Assigned - AN ACT STRENGTHENING MONTANA'S COMMITMENT IN ITS EDUCATIONAL GOALS TO THE PRESERVATION OF AMERICAN INDIAN CULTURAL INTEGRITY AS STATED IN ARTICLE X, SECTION 1, OF THE MONTANA CONSTITUTION; ENCOURAGING SCHOOL DISTRICTS TO CREATE INDIAN LANGUAGE IMMERSION PROGRAMS; PROVIDING FUNDING; PROVIDING AN APPROPRIATION; INCLUDING AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALISTS IN THE QUALITY EDUCATOR PAYMENT; AMENDING SECTION 20-9-327, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

2013

[House Bill No. 549](#) – (H) Died in Standing Committee - AN ACT ESTABLISHING A PILOT PROGRAM FOR AMERICAN INDIAN TRIBAL LANGUAGE IMMERSION PROGRAMS AND INNOVATIVE LANGUAGE REVITALIZATION PROJECTS; APPROPRIATING FUNDS FROM THE GENERAL FUND TO THE OFFICE OF PUBLIC INSTRUCTION FOR THE PILOT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 273](#) – (S) Died in Standing Committee - AN ACT REVISING MONTANA'S ANTIQUITIES LAWS; PROVIDING A DEFINITION OF "TRIBAL TRADITIONAL CULTURAL PROPERTY"; REQUIRING STATE AGENCIES TO CONSULT WITH INDIAN TRIBES ABOUT ACTIONS POTENTIALLY AFFECTING TRIBAL TRADITIONAL CULTURAL PROPERTY; CREATING PROVISIONS FOR APPEAL; AND AMENDING SECTIONS 22-3-421, 22-3-424, 22-3-430, 22-3-433, AND 22-3-434, MCA.

[Senate Bill No. 342](#) – Chapter Number Assigned - AN ACT ESTABLISHING THE MONTANA INDIAN LANGUAGE PRESERVATION PILOT PROGRAM; PROVIDING A PROGRAM DESCRIPTION; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

2011

None

2009

[House Bill No. 550](#) – (H) Died in Standing Committee - AN ACT PROVIDING INCREASED ANB FUNDING FOR THE TOTAL INDIAN EDUCATION FOR ALL PAYMENT; AMENDING SECTION 20-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Joint Resolution No. 27](#) – Filed with Secretary of State - A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING EDUCATORS, JOURNALISTS, AND PUBLIC SPEAKERS TO LEARN THE NAME OF EACH TRIBE IN MONTANA IN THE TRIBE'S OWN LANGUAGE AND TO USE THOSE NAMES.

[House Joint Resolution No. 32](#) – Filed with Secretary of State - A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EVALUATE THE ECONOMIC IMPACT OF HISTORIC PRESERVATION AND STRATEGIES FOR HISTORIC PRESERVATION.

[Senate Bill No. 190](#) – (S) Died in Standing Committee - AN ACT INCREASING THE LODGING FACILITY USE TAX; PROVIDING FOR THE USE OF THE INCREASED TAX FOR HERITAGE AND HISTORIC PRESERVATION GRANTS AND FOR TOURISM PROMOTION; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-111 AND 15-65-121, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No. 196](#) – Chapter Number Assigned - AN ACT DESIGNATING THE LAST FRIDAY OF SEPTEMBER AS A DAY TO CELEBRATE AMERICAN INDIAN HERITAGE.

LANGUAGE AND CULTURE: PRESERVATION AND IMMERSION

[Senate Bill No. 488](#) – Died in Process - AN ACT REQUIRING STATE AGENCIES TO COOPERATE WITH AND RECOGNIZE THE AUTHORITY OF MONTANA TRIBAL GOVERNMENTS IN THE PROTECTION, PRESERVATION, AND MANAGEMENT OF TRIBAL CULTURAL RESOURCES; PROVIDING A PENALTY; AND AMENDING SECTION 20-25-108, MCA.

Prepared by Hope Stockwell, Research Analyst, 9/23/20