

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 the bill, hearing information, and fiscal notes.

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: While most of the bills in this primer focus on preservation of American Indian language and culture, two considered in 2009 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 over 4 years. (That amount was reduced by \$250,000 during the November 2019 special session.)

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. The Legislature did not appropriate additional funds in 2017; the Act is set to expire in 2019. The 2017 Legislature considered but did not pass [House Bill No. 190](#), which sought to grant \$150,000 to school districts with dual language immersion programs in early grades regardless of their location or language taught.

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 and 2017, two bills sought to prohibit the sale or trade of cultural patrimony, sacred objects, replicas, and reproductions. Neither 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

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.

[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

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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.

[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.

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