

SENATE BILL NO. 303

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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, 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 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], unless the context clearly indicates otherwise, the following definitions apply:

- (1) (a) "Designated state agency" means:
 - (i) the department of administration;
 - (ii) the department of agriculture;
 - (iii) the Montana arts council;
 - (iv) the office of the state auditor;
 - (v) the board of regents;

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

1 assistance may be in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property,
2 interest subsidies, insurance, ~~AND~~ direct appropriations, ~~or other noncash assistance,~~ and electronic benefit
3 transfer cards. The term includes awards received directly or indirectly by a tribal entity as state funds or as
4 federal funds passed through a state agency directly or indirectly from a subrecipient. The granting agency is
5 responsible for identifying the source of funds awarded to tribal entity recipients.

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

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

10 (4) "Tribal entity" means a tribal nation, tribal council, or tribal government located in the state.
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 directly or indirectly 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~~ UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THE REPORT ISSUED BY THE DIRECTOR OF THE
18 OFFICE OF INDIAN AFFAIRS, THE report UNDER THIS SECTION must provide the following information:

- 19 (a) the amount distributed directly to a tribal entity;
20 (b) the amount distributed to a subrecipient that was ultimately distributed to a tribal entity;
21 (c) the date the amount was distributed to a tribal entity or subrecipient;
22 (d) the tribal entity receiving the financial assistance;
23 (e) the federal assistance listings 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~~ ANY OVERHEAD RATE AND A GENERAL DESCRIPTION OF THE USES OF OVERHEAD
27 FUNDING FOR distributing the financial assistance; ~~AND~~

28 (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; and

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

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

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

5 submit the report to the office of budget and program planning on or before ~~August 15~~ SEPTEMBER 8-November

6 1 of each year.

7 (4) The office of budget and program planning shall prepare an annual report that compiles and
8 summarizes the reports that the office of budget and program planning receives in accordance with subsection
9 (3).

10 (5) On or before ~~September 1~~ OCTOBER 1-December 1 of each year, the office of budget and
11 program planning shall submit the report required by subsection (4) to:

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

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

14 (c) each federally recognized tribal government in the state; and

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

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

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

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

24
25 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2025.

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