



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **SB0379.03 (001): Revise laws related to state-tribal consultation**

Primary Sponsor: Susan Webber Status: As Amended in House Committee

☐ Included in the Executive Budget ☒ Needs to be included in HB 2 ☐ Significant Local Gov Impact

☐ Significant Long-Term Impacts ☒ Technical Concerns ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

| | <u>FY 2026</u> <u>Difference</u> | <u>FY 2027</u> <u>Difference</u> | <u>FY 2028</u> <u>Difference</u> | <u>FY 2029</u> <u>Difference</u> |
|-----------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Expenditures | | | | |
| General Fund (01) | \$227,586 | \$226,840 | \$230,243 | \$233,695 |
| Revenues | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| Net Impact | <u>(\$227,586)</u> | <u>(\$226,840)</u> | <u>(\$230,243)</u> | <u>(\$233,695)</u> |
| General Fund Balance | | | | |

Description of fiscal impact

SB 379, as amended, allows for state agencies that do not have a designated tribal liaison to consult with the Governor's Director of Indian Affairs, contingent on available resources, if any such agency opts in to develop consultation policy. An agency may also choose to designate a tribal liaison, subject to available resources. For the Department of Environmental Quality and the Department of Justice, that currently have designated tribal liaisons, will incur additional costs.

FISCAL ANALYSIS

Assumptions

1. As amended by the House State Administration committee, the bill is permissive rather than mandatory for agencies that do not already have a designated tribal liaison.
2. For agencies, including the Department of Environmental Quality and the Department of Justice, who already have a designated tribal liaison, there will be additional costs.
3. For agencies that do not currently have a designated tribal liaison, there will be no fiscal impact.
4. As time and appropriations are available, the Governor's Director of Indian Affairs will assist state agencies who do not already have a designated tribal liaison.

Department of Environmental Quality

5. The Department of Environmental Quality (DEQ) currently has an employee, reporting to the Public Policy Director, who is the agency's designated tribal liaison. Part of the job is to focus on tribal outreach as currently outlined in 2-15-243, MCA, in addition to other public relations duties.
6. The collaboration, consultation, and coordination that will be required to implement SB 379 go beyond current requirements and exceed DEQ's existing staff resources.
7. DEQ requires an additional 0.50 FTE, Public Relations Specialist, to act as the tribal liaison and implement the provisions of SB 379. Estimated personal services costs are \$56,906 for FY 2026 and \$58,170 for FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.

8. Estimated operating costs are \$30,014 in FY 2026 and \$29,122 in FY 2027. These costs have been inflated by 1.5% for FY 2028 and FY 2029.
9. SB 379 may require additional time and travel for existing staff to attend consultation and collaboration meetings with tribes. DEQ will use existing resources to cover these activities, potentially diverting agency staff from other responsibilities.

Department of Justice

10. It is assumed that the Department of Justice (DOJ) will need an additional Program Specialist to implement SB 379, expanding on current tribal communication and collaboration noted below:
 - a. Personnel costs: \$102,411 in FY 2026 and \$105,193 in FY 2027
 - b. Operating costs: \$38,255 in FY 2026 and \$34,355 in FY 2027
 - c. An inflationary increase of 1.5% is reflected in FY 2028 and FY 2029
 - d. It is assumed that HB 13 will pass as drafted, with a \$1.00 base rate adjustment and calendar year 2026/2027 group benefit increases incorporated in the above estimates.
11. The Natural Resource Damage Program (NRDP) is currently required to consult with tribal co-trustees pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Oil Pollution Act. The NRDP also has a 1998 Memorandum of Agreement with the Confederated Salish and Kootenai Tribes governing restoration planning and implementation of restoration actions in the Upper Clark Fork River Basin. However, coordinating formal training on tribal communications through a formally identified NRDP tribal liaison will have a minor annual fiscal impact.
12. The Montana Highway Patrol (MHP) has a designated liaison that meets tribes on an as needed basis. Under SB 379, the MHP tribal representative will meet with each tribe at least twice a year.
13. SB 379 does not designate the specific executive branch that will be working in collaboration with the tribal government. If the Division of Criminal Investigation (DCI) were to be the designated branch for the DOJ, 1.00 FTE, a Program Specialist position, will be needed.
14. The Gambling Control Division (GCD) complies with the Federal Indian Gaming Regulatory Act which declares tribes work directly with the Governor's Office to negotiate compacts on any gambling offered on tribal lands. By design, the GCD does not engage in, or do any enforcement of, any gambling happening on tribal lands.
15. SB 379 does not designate the specific executive branch that would be working in collaboration with the tribal government. If the Motor Vehicle Division (MVD) were to be the designated branch for the DOJ, 1.00 FTE, a Program Specialist position, will be needed.
16. The Montana Law Enforcement Academy (MLEA) does not anticipate a fiscal impact as tribes are not required to send law enforcement persons to the law enforcement academy, though some have chosen to do so. Tribal communication occurs as needed, typically when a tribe wants to send its law enforcement to the academy.

Fiscal Analysis Table

| | <u>FY 2026</u> <u>Difference</u> | <u>FY 2027</u> <u>Difference</u> | <u>FY 2028</u> <u>Difference</u> | <u>FY 2029</u> <u>Difference</u> |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <u>Fiscal Impact</u> | | | | |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |
| FTE - DOJ | 1.00 | 1.00 | 1.00 | 1.00 |
| FTE - DEQ | 0.50 | 0.50 | 0.50 | 0.50 |
| TOTAL Fiscal Impact | 1.50 | 1.50 | 1.50 | 1.50 |
| <u>Expenditures</u> | | | | |
| Personal Services | \$0 | \$0 | \$0 | \$0 |
| Personal Services - DOJ | \$102,411 | \$105,193 | \$106,771 | \$108,372 |
| Personal Services - DEQ | \$56,906 | \$58,170 | \$59,043 | \$59,928 |
| Operating Expenses - DOJ | \$38,255 | \$34,355 | \$34,870 | \$35,393 |
| Operating Expenses - DEQ | \$30,014 | \$29,122 | \$29,559 | \$30,002 |
| TOTAL Expenditures | \$227,586 | \$226,840 | \$230,243 | \$233,695 |
| Operating Expenses | \$0 | \$0 | \$0 | \$0 |
| <u>Funding of Expenditures</u> | | | | |
| General Fund (01) | \$227,586 | \$226,840 | \$230,243 | \$233,695 |
| TOTAL Funding of Expenditures | \$227,586 | \$226,840 | \$230,243 | \$233,695 |
| <u>Revenues</u> | | | | |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u> | | | | |
| General Fund (01) | (\$227,586) | (\$226,840) | (\$230,243) | (\$233,695) |

NO SPONSOR SIGNATURE 4/23
 Sponsor's Initials Date


 Budget Director's Initials Date 4/23/2025