



## Fiscal Note 2027 Biennium

Bill#/Title:	<u>SB0379.01 R: Revise laws related to state-tribal consultation</u>		
Primary Sponsor:	<u>Susan Webber</u>	Status:	<u>As Introduced - Revised</u>
<input type="checkbox"/> Included in the Executive Budget	<input checked="" type="checkbox"/> Needs to be included in HB 2	<input type="checkbox"/> Significant Local Gov Impact	
<input type="checkbox"/> Significant Long-Term Impacts	<input checked="" type="checkbox"/> Technical Concerns	<input type="checkbox"/> Dedicated Revenue Form Attached	

### **FISCAL SUMMARY**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$1,244,878	\$1,219,112	\$1,238,445	\$1,255,958
State Special Revenue (02)	\$533,662	\$519,962	\$526,711	\$535,677
Other	\$64,625	\$35,313	\$35,842	\$36,379
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u><u>(\$1,244,878)</u></u>	<u><u>(\$1,219,112)</u></u>	<u><u>(\$1,238,445)</u></u>	<u><u>(\$1,255,958)</u></u>
<b>General Fund Balance</b>				

### **Description of fiscal impact**

SB 379 requires state agencies to work in consultation with tribal governments when creating or implementing state policies, rules or programs that impact Indian tribes. There is a fiscal impact to the state since most agencies must develop a tribal consultation policy and designate an employee to act as the tribal liaison.

### **FISCAL ANALYSIS**

#### **Assumptions**

#### **Governor's Office**

1. The Governor's Office already has a tribal liaison with the Office of Indian Affairs and complies with 2-15-143, MCA.

#### **Department of Administration**

2. In determining the cost of updating its tribal consultation policy, the Department of Administration (DOA) assumes the term "biannually" in section 2(1)(b) (page 2, line 9) means "every two years" rather than "twice a year."
3. Most DOA functions are internal, state government activities that would not appear to require tribal consultation. Divisions and attached agencies that have reported potential external-facing tribal implications are the Division of Banking and Financial Institutions, the Burial Board, and the Montana State Lottery. Other agencies interact with tribes only rarely or occasionally.
4. DOA assumes its tribal consultation policies can be drafted in such a way to meet the needs of all divisions

and attached agencies. Therefore, it is assumed DOA will be able to perform tribal liaison duties and develop and update policies every two years with current staff.

5. DOA will primarily communicate and share policies with tribal governments electronically.
6. DOA assumes its tribal liaison can perform the duties required by the bill for all of DOA and its attached agencies.
7. DOA assumes its training and liaison functions will generally be performed in Helena; however, some travel may be necessary. DOA anticipates its travel cost for lodging, per diem, and mileage to consult with the eight recognized tribes in Montana will be \$6,000 annually. This is a conservative estimate assuming most consultations will take place by conference call, electronically, or in person in Helena, when it is convenient for the representatives of tribal governments. This amount has been inflated by 1.5% for FY 2028 and FY 2029.

#### **Department of Commerce**

8. The Department of Commerce currently staffs the office of Indian Country Economic Development which provides business resources available to Native American businesses and tribal governments, in addition to the State Tribal Economic Development Commission, which is attached to the department for administrative purposes. The department assumes the scope of SB 379 will go beyond the duties currently being performed by these programs.
9. Since the duties required are beyond the scope of existing programs, it will be necessary to hire a 1.00 FTE, Policy Analyst 2, to carry out the responsibilities of the tribal liaison. Personal services costs for the FTE will be \$124,523 in FY 2026 and FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
10. In addition to personal services, operating costs for supplies, office equipment, and overhead will be necessary, as well as travel and training costs to meet the requirement of the bill. Total operating expenses will be \$45,700 in FY 2026 and \$42,900 in FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.

#### **Department of Agriculture**

11. The Department of Agriculture assumes SB 379 requires the agency to develop a written consultation for each federally recognized tribe in the state.
12. Implementation of SB 379 will require the department to hire a .50 FTE, Program Manager, at a cost of \$57,180 in FY 2026 and FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
13. Overhead costs include \$9,000 per FTE per year and a one-time-only office setup cost of \$3,000 in FY 2026. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
14. Travel expenses for department staff consultation development meetings to each federally recognized tribe across the state (lodging, per diem, and mileage) are estimated at \$2,225 annually. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
15. There is no reference to a funding source or revenue stream, thus it is assumed the position and operating costs will be funded with general fund.

#### **Department of Environmental Quality**

16. 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.
17. The collaboration, consultation, and coordination that will be required to implement SB 379 go beyond current requirements and exceed DEQ's existing staff resources.
18. DEQ requires an additional 1.00 FTE, Public Relations Specialist, to act as the tribal liaison and implement the provisions of SB 379. Estimated personal services costs are \$113,811 for FY 2026 and \$116,339 for FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
19. 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.
20. 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

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.

### Department of Labor and Industry

28. The Department of Labor and Industry (DLI) Tribal Liaison currently serves the agency leading in efforts to collaborate with tribal governments to strengthen the workforce, share resources, and build collaboration.
29. DLI assumes that the activities outlined in SB 379 will be funded by the Employment Security Account (ESA).
30. Section 2 (c) of the bill requires the preparation of a written consultation policy with each of the eight federal recognized tribes in Montana. 1.64 FTE will be used for this policy to be completed by January 1, 2026. The 1.32 FTE, Policy Analyst, will perform administrative tasks, planning and analysis for DLI. The 0.32 FTE, Tribal Liaison, will facilitate collaboration between DLI and tribal governments, working to strengthen relationships. The personal services costs of the Policy Analyst and Tribal Liaison will be \$177,330 in FY 2026 and FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
31. Estimated annual travel expenses for the eight tribes is \$29,276. This total includes:
  - Mileage \$11,420 (16,314 total miles x \$0.70 per mile)
  - Lodging \$11,424, (four meetings per tribe x eight tribes x three travelers x one overnight stay for each meeting x \$119 per night with tax)
  - State meal per diem of \$6,432, (\$33.50 per meeting x 64 days for meetings x three staff, including dinner on travel day, and breakfast and lunch on meeting day)

32. Tribal Employment Rights Ordinance (TERO) annual expenses for four meetings is \$17,484 (airfare \$8,424, lodging \$5,280, and per diem out of state \$3,780). These expenses have been inflated by 1.5% for FY 2028 and FY 2029.
33. The department estimates operating costs, such as telephone, copiers, scanners, utilities, minor equipment, technology costs, rent, and indirect costs, will total \$16,846 in FY 2026 and FY 2027. These costs have been inflated by 1.5% for FY 2028 and FY 2029.
34. The DLI estimates that one-time only expenditures of \$2,800 will be required for the purchase of office supplies, furniture, and computing equipment in FY 2026.

**Department of Livestock**

35. The Department of Livestock assumes SB 379 will require tribal consultation across the state for most policy and operational actions the department engages in routinely.
36. SB 379 will generate additional work for the department and will require a .50 FTE, Tribal Liaison, Program Officer 2, position. The department estimates a cost of approximately \$50,000 in FY 2026 and FY 2027.
37. The department estimates operational costs will include office, supplies, and travel expenses of approximately \$12,000 in FY 2026 and FY 2027.
38. An inflationary rate of 1.5% is applied in FY 2028 and FY 2029.

**Department of Military Affairs**

39. The Department of Military Affairs (DMA) has programs, such as Veterans Affairs (VA), which work closely with tribal governments. However, DMA does not have a designated tribal liaison at the agency level.
40. A 1.00 FTE, Policy Analyst 2, is required for a tribal liaison. This position will be housed in the Director's Office. DMA estimates personal services costs for 1.00 FTE are \$125,746 in FY 2026 and FY 2027, with an inflationary rate of 1.5% in FY 2028 and FY 2029.
41. DMA assumes one-time-only operating costs of \$2,800 for office equipment in FY 2026.
42. There will be additional costs related to travel for the tribal liaison to meet with each tribal government to coordinate on building policy and ensure this policy meets the needs of the individual tribes. Travel expenses include lodging, per diem, and motor pool to visit with each of the 12 tribes and will cost \$252 per tribe for a total of \$3,024 in FY 2026 and FY 2027. A 1.5% inflationary rate is assumed for FY 2028 and FY 2029.
43. Section 2 (a) gives DMA rule making authority; establishing administrative rules will cost \$600 in FY 2026 for 10 pages of rules at \$60 per page.

**Department of Natural Resources and Conservation**

44. The Department of Natural Resources and Conservation (DNRC) assumes SB 379 requires consultation and development of policy beyond the State Antiquities Act and DNRCs current rules.
45. DNRC prepares approximately 160 Montana Environmental Policy Act (MEPA) documents per year. DNRC assumes all these projects will require tribal consultation.
46. Implementation of SB 379 will require DNRC to hire 1.00 FTE, Policy Analyst 2, to act as the agency's tribal liaison and lead the development of policies, agreements, administrative rules, and a written consultation policy across the agency. The Forestry and Trust Land Division (FTLD) and Board of Oil and Gas Conservation (BOGC) will each need 1.00 FTE, compliance specialist 3, to collaborate with tribal governments in the development of program specific policies, agreements, and program implementation. The Water Resources Division (WRD) has staff who work with state water compacts and the international joint commission. DNRC assumes the work those staff do will comply with the tribal consultation provisions set forth in SB 379. However, there will be an increase in operating expenses due to increased travel to comply with the requirements in the bill.
  - a. 2.00 FTE, Compliance Specialist 3, will cost \$217,117 per year in FY 2026 and FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029. FTLD's 1.00 FTE and operating costs will be funded 50% in state special revenue and 50% in general fund to align with the current funding for the

forestry and trust lands programs. BOGC's 1.00 FTE and operating associated will be funded out of state special revenue.

- b. 1.00 FTE, Policy Analyst 2, will cost \$121,181 in FY 2026 and FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029. This position and operating will be funded out of the general fund.
- c. One-time-only costs for office set-up for 3.00 FTE will cost \$8,400 in FY 2026 (\$2,800 per FTE).
- d. The 3.00 FTE will require network service at a cost of \$4,605 in FY 2026 and FY 2027, and phone service at a cost of \$777 in FY 2026 and FY 2027. An inflationary rate of 1.5% is applied in FY 2028 and FY 2029.
- e. Supplies and materials for these positions will cost \$675 in FY 2026 and FY 2027. An inflationary rate of 1.5% is applied in FY 2028 and FY 2029.
- f. Travel expenses for DNRC staff consultation development meetings with eight tribes across the state (lodging, per diem, and mileage) will cost \$31,200 in FY 2026 and \$20,400 in FY 2027. An inflationary rate of 1.5% is applied in FY 2028 and FY 2029.
  - i. DNRC's Policy Analyst 2 will travel an estimated 40 days for the initial policy development in FY 2026, for a cost of \$5,800. FTLD's and BOGC's Compliance Specialist 3's will travel an estimated 60 days in FY 2026, for a cost of \$17,000. WRD's current compact staff will increase travel expenses in FY 2026, for a cost of \$8,400.
  - ii. For ongoing review and revisions to the policy, the Policy Analyst 2 will be required to meet with the tribes a minimum of two times per year, estimated to be around 20 days per fiscal year starting in FY 2027, for a cost of \$3,000. The Compliance Specialist 3 for FTLD and BOGC will each travel an average of 40 days per fiscal year for a combined cost of \$11,600 starting in FY 2027. WRD staff will travel 40 days per fiscal year, for an estimated cost of \$5,800 starting in FY 2027.

47. SB 379 is closely tied to federal consultation guidance where projects can incur fees for consultation. Projects may incur unpredictable, and potentially substantial, consultation fees, as fee schedules vary across different tribal jurisdictions. DNRC is unable to estimate the potential fiscal impact of these fees.

**Department of Revenue**

- 48. The Department of Revenue (DOR) will need to develop a written consultation policy for interactions with tribal governments.
- 49. DOR will be required to designate a tribal liaison and will need an additional 1.00 FTE to fulfill the obligations of SB 379. Costs are estimated at \$103,892 for FY 2026 and \$105,450 for FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.
- 50. Operating expenses of \$9,311 include supplies, phones, computer network costs, rent, training, and office equipment. One-time charges of \$2,800 for a new employee desk, chair, and computer are included in FY 2026. This amount has been inflated by 1.5% for FY 2028 and FY 2029.

**Department of Transportation**

- 51. The Montana Department of Transportation (MDT) will need 1.00 FTE, in order to recruit and hire an agency tribal liaison, who would perform the work to create and update the tribal consultation policy as well as serve as the central point of contact for any activities that may impact the tribes.
- 52. Salary costs represent 1.00 FTE, a Policy Analyst, at cost of \$103,520 in FY 2026 and FY 2027. A 1.5% inflationary increase is applied in FY 2028 and FY 2029.
- 53. Operating costs of \$3,600 in the first year include annual/ongoing phone and connectivity costs, as well as initial setup for a new employee (desk, chair, file cabinet, laptop, bookcase, etc.).
- 54. Ongoing annual costs for phone and connectivity in FY 2027 and beyond are estimated to be \$800 per year. A 1.5% inflationary increase is applied in FY 2028 and FY 2029.
- 55. The agency tribal liaison will be required to attend annual training. State Tribal Relations training is estimated to cost \$140 annually. Additional costs for training and travel cannot be determined at this time.

**Historical Society**

- 56. The Montana Historical Society (MTHS) assumes that SB 379 requires consultation and development of policies beyond the State Antiquities Act and current Montana Indian tribe engagement actions already in place at MTHS.

57. MTHS will be required to hire 1.00 FTE, a Program Officer 2, to implement and meet the mandates of SB 379. The position will act as the agency's tribal liaison and lead the consultation and training mandates of SB 379, including the required policies, agreements, administrative rules, and implementation activities across the agency.

- a. 1.00 FTE, a Program Officer 2, will cost \$90,416 per year in FY 2026 and FY 2027. A 1.5% inflationary increase is applied in FY 2028 and FY 2029. MTHS's 1.00 FTE and operating expenses will be funded 100% in general fund.

58. MTHS will incur an increase in operating expenses due to the mandates to comply with the requirements of this bill.

- a. Other services will increase, as MTHS will need to confer with Agency Legal Services to develop legal agreements with the tribal governments. Costs are estimated at \$2,500 in FY 2026 and FY 2027, with a 1.5% inflationary increase applied in FY 2028 and FY 2029.
- b. One-time only supplies and materials costs for office set-up for 1.00 FTE will be \$2,800 in FY 2026. Additional estimated supplies and materials costs will be \$750 in FY 2026 and FY 2027, with a 1.5% inflationary increase applied in FY 2028 and FY 2029.
- c. The 1.00 FTE will require network and telephone service as a communications cost of \$1,800 in FY 2026 and FY 2027, with a 1.5% inflationary increase applied in FY 2028 and FY 2029.
- d. Travel costs for the MTHS tribal liaison 1.00 FTE to travel to eight tribal governments, three times per year, are estimated at \$19,200, plus \$2,500 for travel reimbursements to tribal leaders to travel to Helena for meetings in FY 2026 and FY 2027 for a total of \$21,700 each year. A 1.5% inflationary increase is applied to this travel cost in FY 2028 and FY 2029.
- e. Other expenses to pay for trainings required by SB 379 are estimated at \$3,000 per year in FY 2026 and FY 2027, with a 1.5% inflationary increase in FY 2028 and FY 2029.

**Library Commission**

59. SB 379 will require an additional 0.50 FTE. Funding for this position, a tribal liaison, Program Officer 2, will cost \$51,532 in FY 2026 and FY 2027. An inflationary rate of 1.5% is applied in FY 2028 and FY 2029. Included is operating costs of \$2,800 for the new employee office package, \$10,000 for supplies, and \$20,000 for travel to make consultations and meetings with tribal representatives.

60. Each program of the Montana State Library (MSL) has reason to work directly with tribes. The tribal liaison will be responsible for regular outreach and communication with the tribes and to ensure a consistent approach to engagement with the tribes across the programs.

61. MSL sets standards for tribal college libraries who serve as public libraries to receive state aid funding. The tribal liaison will ensure understanding and compliance with these standards and completion of the necessary annual reporting that is required. The tribal liaison will also ensure that tribal college libraries are able to apply for federal grant funds to support their operations.

62. MSL Talking Book Services records unique Montana stories for people who cannot read traditional print material. The tribal liaison will ensure that Montana tribal authors and storytellers are represented in this collection while maintaining cultural sensitivity to content that is appropriate to be shared.

63. The tribal liaison will help to recruit and support the tribal representative to the Montana Geospatial Information Advisory Council so that Geographic Information Systems (GIS) coordination efforts benefit the tribes.

64. The tribal liaison will coordinate with the Blackfeet, Rocky Boy, and Northern Cheyenne public safety answering points to ensure their data meets next-generation 911 data standards.

65. The tribal liaison will outreach to tribes to ensure their involvement on a variety of other GIS opportunities such as support and buildup of the Montana State Reference Network and ongoing Lidar data collection.

**Montana State Fund**

66. Montana State Fund (MSF) will establish written consultation policies with each of Montana's twelve federally recognized tribal nations.

67. MSF will designate a tribal liaison to establish and update formal written consultation policies, collaborate with the tribal governments, complete training, attend meetings, and fulfill the duties of the position as

designated. It is estimated the knowledge, skills, and abilities of a tribal liaison will be similar to current MSF employees with total personal services cost of \$117,250 annually.

68. MSF estimates that during the first year ending December 31, 2025, .50 FTE will be required to create and establish the tribal consultation policies at a cost of \$58,625. In subsequent years, MSF assumes 0.25 FTE will be required to complete the required duties at a cost of \$29,313 in FY 2027. This amount has been inflated by 1.5% for FY 2028 and FY 2029.

69. All MSF expenses are funded through policyholder premiums.

70. This bill does not contain an effective date. MSF assumed an effective date of October 1, 2025.

### Fiscal Analysis Table

Department of Administration	<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>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	\$6,000	\$6,000	\$6,090	\$6,181
<b>TOTAL Expenditures</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,090</b>	<b>\$6,181</b>
<b><u>Funding of Expenditures</u></b>				
Other	\$6,000	\$6,000	\$6,090	\$6,181
<b>TOTAL Funding of Expenditures</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,090</b>	<b>\$6,181</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
Other	(\$6,000)	(\$6,000)	(\$6,090)	(\$6,181)

Department of Agriculture	<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>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
FTE	0.50	0.50	0.50	0.50
<b>TOTAL Fiscal Impact</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>
<b><u>Expenditures</u></b>				
Personal Services	\$57,179	\$58,037	\$58,907	\$59,791
Operating Expenses	\$14,225	\$11,225	\$11,393	\$11,564
<b>TOTAL Expenditures</b>	<b>\$71,404</b>	<b>\$69,262</b>	<b>\$70,300</b>	<b>\$71,355</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$71,404	\$69,262	\$70,300	\$71,355
<b>TOTAL Funding of Expenditures</b>	<b>\$71,404</b>	<b>\$69,262</b>	<b>\$70,300</b>	<b>\$71,355</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$71,404)	(\$69,262)	(\$70,300)	(\$71,355)

**Department of Commerce**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b><u>Fiscal Impact</u></b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b><u>Expenditures</u></b>				
Personal Services	\$124,523	\$124,523	\$126,391	\$128,287
Operating Expenses	\$45,700	\$42,900	\$43,543	\$44,196
<b>TOTAL Expenditures</b>	<b>\$170,223</b>	<b>\$167,423</b>	<b>\$169,934</b>	<b>\$172,483</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$170,223	\$167,423	\$169,934	\$172,483
<b>TOTAL Funding of Expenditures</b>	<b>\$170,223</b>	<b>\$167,423</b>	<b>\$169,934</b>	<b>\$172,483</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$170,223)	(\$167,423)	(\$169,934)	(\$172,483)

**Department of Environmental Quality**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b><u>Fiscal Impact</u></b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b><u>Expenditures</u></b>				
Personal Services	\$113,811	\$116,339	\$118,084	\$119,855
Operating Expenses	\$30,014	\$29,122	\$29,559	\$30,002
<b>TOTAL Expenditures</b>	<b>\$143,825</b>	<b>\$145,461</b>	<b>\$147,643</b>	<b>\$149,857</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$143,825	\$145,461	\$147,643	\$149,857
<b>TOTAL Funding of Expenditures</b>	<b>\$143,825</b>	<b>\$145,461</b>	<b>\$147,643</b>	<b>\$149,857</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$143,825)	(\$145,461)	(\$147,643)	(\$149,857)

## Department of Justice

	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
<b>Fiscal Impact</b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>Expenditures</b>				
Personal Services	\$102,411	\$105,193	\$106,771	\$108,372
Operating Expenses	\$38,255	\$34,355	\$34,870	\$35,393
<b>TOTAL Expenditures</b>	<b>\$140,666</b>	<b>\$139,548</b>	<b>\$141,641</b>	<b>\$143,765</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$140,666	\$139,548	\$141,641	\$143,765
<b>TOTAL Funding of Expenditures</b>	<b>\$140,666</b>	<b>\$139,548</b>	<b>\$141,641</b>	<b>\$143,765</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$140,666)	(\$139,548)	(\$141,641)	(\$143,765)

## Department of Labor and Industry

	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
<b>Fiscal Impact</b>				
FTE	1.64	1.64	1.64	1.64
<b>TOTAL Fiscal Impact</b>	<b>1.64</b>	<b>1.64</b>	<b>1.64</b>	<b>1.64</b>
<b>Expenditures</b>				
Personal Services	\$177,330	\$177,330	\$179,990	\$182,690
Operating Expenses	\$66,406	\$63,606	\$64,560	\$65,528
<b>TOTAL Expenditures</b>	<b>\$243,736</b>	<b>\$240,936</b>	<b>\$244,550</b>	<b>\$248,218</b>
<b>Funding of Expenditures</b>				
State Special Revenue (02)	\$243,736	\$240,936	\$244,550	\$248,218
<b>TOTAL Funding of Expenditures</b>	<b>\$243,736</b>	<b>\$240,936</b>	<b>\$244,550</b>	<b>\$248,218</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
State Special Revenue (02)	(\$243,736)	(\$240,936)	(\$244,550)	(\$248,218)

**Department of Livestock**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	0.50	0.50	0.50	0.50
<b>TOTAL Fiscal Impact</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>
<b>Expenditures</b>				
Personal Services	\$50,000	\$50,000	\$50,750	\$51,511
Operating Expenses	\$12,000	\$12,000	\$12,180	\$12,363
<b>TOTAL Expenditures</b>	<b>\$62,000</b>	<b>\$62,000</b>	<b>\$62,930</b>	<b>\$63,874</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$62,000	\$62,000	\$62,930	\$63,874
<b>TOTAL Funding of Expenditures</b>	<b>\$62,000</b>	<b>\$62,000</b>	<b>\$62,930</b>	<b>\$63,874</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$62,000)	(\$62,000)	(\$62,930)	(\$63,874)

**Department of Military Affairs**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>Expenditures</b>				
Personal Services	\$125,746	\$125,746	\$127,632	\$129,547
Operating Expenses	\$6,424	\$3,024	\$3,069	\$3,115
<b>TOTAL Expenditures</b>	<b>\$132,170</b>	<b>\$128,770</b>	<b>\$130,701</b>	<b>\$132,662</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$132,170	\$128,770	\$130,701	\$132,662
<b>TOTAL Funding of Expenditures</b>	<b>\$132,170</b>	<b>\$128,770</b>	<b>\$130,701</b>	<b>\$132,662</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$132,170)	(\$128,770)	(\$130,701)	(\$132,662)

## Department of Natural Resources and Conservation

	FY 2026 <u>Difference</u>	FY 2027 <u>Difference</u>	FY 2028 <u>Difference</u>	FY 2029 <u>Difference</u>
<b>Fiscal Impact</b>				
FTE	3.00	3.00	3.00	3.00
<b>TOTAL Fiscal Impact</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>
<b>Expenditures</b>				
Personal Services	\$338,298	\$338,298	\$343,372	\$348,523
Operating Expenses	\$45,657	\$26,457	\$26,854	\$27,257
<b>TOTAL Expenditures</b>	<b>\$383,955</b>	<b>\$364,755</b>	<b>\$370,226</b>	<b>\$375,780</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$201,289	\$190,189	\$194,092	\$195,938
State Special Revenue (02)	\$182,666	\$174,566	\$176,134	\$179,842
<b>TOTAL Funding of Expenditures</b>	<b>\$383,955</b>	<b>\$364,755</b>	<b>\$370,226</b>	<b>\$375,780</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$201,289)	(\$190,189)	(\$194,092)	(\$195,938)
State Special Revenue (02)	(\$182,666)	(\$174,566)	(\$176,134)	(\$179,842)

## Department of Revenue

	FY 2026 <u>Difference</u>	FY 2027 <u>Difference</u>	FY 2028 <u>Difference</u>	FY 2029 <u>Difference</u>
<b>Fiscal Impact</b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>Expenditures</b>				
Personal Services	\$103,892	\$105,450	\$107,030	\$108,636
Operating Expenses	\$12,111	\$9,311	\$9,451	\$9,593
<b>TOTAL Expenditures</b>	<b>\$116,003</b>	<b>\$114,761</b>	<b>\$116,481</b>	<b>\$118,229</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$116,003	\$114,761	\$116,481	\$118,229
<b>TOTAL Funding of Expenditures</b>	<b>\$116,003</b>	<b>\$114,761</b>	<b>\$116,481</b>	<b>\$118,229</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$116,003)	(\$114,761)	(\$116,481)	(\$118,229)

## Department of Transportation

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>Expenditures</b>				
Personal Services	\$103,520	\$103,520	\$105,073	\$106,649
Operating Expenses	\$3,740	\$940	\$954	\$968
<b>TOTAL Expenditures</b>	<b>\$107,260</b>	<b>\$104,460</b>	<b>\$106,027</b>	<b>\$107,617</b>
<b>Funding of Expenditures</b>				
State Special Revenue (02)	\$107,260	\$104,460	\$106,027	\$107,617
<b>TOTAL Funding of Expenditures</b>	<b>\$107,260</b>	<b>\$104,460</b>	<b>\$106,027</b>	<b>\$107,617</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
State Special Revenue (02)	(\$107,260)	(\$104,460)	(\$106,027)	(\$107,617)

## Historical Society

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	1.00	1.00	1.00	1.00
<b>TOTAL Fiscal Impact</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>Expenditures</b>				
Personal Services	\$90,416	\$90,416	\$91,772	\$93,149
Operating Expenses	\$32,550	\$29,750	\$30,196	\$30,649
<b>TOTAL Expenditures</b>	<b>\$122,966</b>	<b>\$120,166</b>	<b>\$121,968</b>	<b>\$123,798</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$122,966	\$120,166	\$121,968	\$123,798
<b>TOTAL Funding of Expenditures</b>	<b>\$122,966</b>	<b>\$120,166</b>	<b>\$121,968</b>	<b>\$123,798</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$122,966)	(\$120,166)	(\$121,968)	(\$123,798)

## Library Commission

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	0.50	0.50	0.50	0.50
<b>TOTAL Fiscal Impact</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>
<b>Expenditures</b>				
Personal Services	\$51,532	\$51,532	\$52,305	\$53,090
Operating Expenses	\$32,800	\$30,000	\$30,450	\$30,907
<b>TOTAL Expenditures</b>	<b>\$84,332</b>	<b>\$81,532</b>	<b>\$82,755</b>	<b>\$83,997</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$84,332	\$81,532	\$82,755	\$83,997
<b>TOTAL Funding of Expenditures</b>	<b>\$84,332</b>	<b>\$81,532</b>	<b>\$82,755</b>	<b>\$83,997</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$84,332)	(\$81,532)	(\$82,755)	(\$83,997)

## Montana State Fund

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
FTE	0.50	0.25	0.25	0.25
<b>TOTAL Fiscal Impact</b>	<b>0.50</b>	<b>0.25</b>	<b>0.25</b>	<b>0.25</b>
<b>Expenditures</b>				
Personal Services	\$58,625	\$29,313	\$29,752	\$30,198
<b>TOTAL Expenditures</b>	<b>\$58,625</b>	<b>\$29,313</b>	<b>\$29,752</b>	<b>\$30,198</b>
<b>Funding of Expenditures</b>				
Other	\$58,625	\$29,313	\$29,752	\$30,198
<b>TOTAL Funding of Expenditures</b>	<b>\$58,625</b>	<b>\$29,313</b>	<b>\$29,752</b>	<b>\$30,198</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
Other	(\$58,625)	(\$29,313)	(\$29,752)	(\$30,198)

## STATEWIDE SUMMARY

	FY 2026 <u>Difference</u>	FY 2027 <u>Difference</u>	FY 2028 <u>Difference</u>	FY 2029 <u>Difference</u>
<b>Fiscal Impact</b>				
FTE	13.64	13.39	13.39	13.39
<b>TOTAL Fiscal Impact</b>	<b>13.64</b>	<b>13.39</b>	<b>13.39</b>	<b>13.39</b>
<b>Expenditures</b>				
Personal Services	\$1,497,283	\$1,475,697	\$1,497,829	\$1,520,298
Operating Expenses	\$345,882	\$298,690	\$303,169	\$307,716
<b>TOTAL Expenditures</b>	<b>\$1,843,165</b>	<b>\$1,774,387</b>	<b>\$1,800,998</b>	<b>\$1,828,014</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$1,244,878	\$1,219,112	\$1,238,445	\$1,255,958
State Special Revenue (02)	\$533,662	\$519,962	\$526,711	\$535,677
Other	\$64,625	\$35,313	\$35,842	\$36,379
<b>TOTAL Funding of Expenditures</b>	<b>\$1,843,165</b>	<b>\$1,774,387</b>	<b>\$1,800,998</b>	<b>\$1,828,014</b>
<b>Revenues</b>				
<b>TOTAL Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$1,244,878)	(\$1,219,112)	(\$1,238,445)	(\$1,255,958)
State Special Revenue (02)	(\$533,662)	(\$519,962)	(\$526,711)	(\$535,677)
Other	(\$64,625)	(\$35,313)	(\$35,842)	(\$36,379)

## Technical Concerns

## Department of Administration

1. The term “tribal implications” in section 2(1)(c) (page 2, lines 4-5) is not defined. It is unclear whether a state agency performing a regulatory or licensing function involving a tribal member or entity engaged in state regulated activity outside the territorial jurisdiction of the tribe would be deemed to have “tribal implications.” For example, state agencies routinely issue permits, perform inspections, and regulate licensed professions in the performance of their statutory duties. If there are “tribal implications” whenever an agency’s regulatory activity involves a tribal member, the bill would have a major impact on agency operations and require additional FTE to engage in consultations.

## Department of Commerce

2. The tribal liaison would work with the Montana State-Tribal Economic Development (STED) Commission and Commerce assumes both roles would provide reporting on consultation with the tribes due to their separate statutory duties.

## Department of Natural Resources and Conservation

3. SB 379 mandates a consultation process to seek, discuss, and consider the views of tribal governments; however, the ambiguity of "when feasible" could lead to inconsistent implementation and potential conflicts over state actions affecting tribal interests.
4. SB 379 will delay response times to project proponents over current procedures which fully comply with the Montana State Antiquities Act. These delays could be prohibitive for entities wishing to conduct business on State School Trust Lands. This would hinder DNRC's fiduciary responsibilities to the school trust beneficiaries.

## Historical Society

5. SB 379 mandates collaboration with tribal governments regarding matters that "directly affect Indian tribes." A technical concern exists in defining how to interpret and understand which matters "directly" affect Indian tribes.
6. The deadline mandated by SB 379 to develop an individual consultation policy with each of the eight tribal governments in Montana by the January 1, 2026 may not be accomplished by that date.

**Montana State Fund**

7. This bill requires the written consultation policies to be completed by January 1, 2026. MSF's fiscal year 2025 budget is January 1 through December 31, 2025 (39-71-2312(4), MCA). The MSF board approved budget for fiscal year 2025 did not include FTE or funding for the unfunded and mandated tribal liaison position.
8. This bill conflicts with existing statute. The bill will require MSF to employ and compensate a tribal liaison with specific responsibilities to consult with Montana's tribal governments. This conflicts with 39-71-2315, MCA, that states:
  - a. The management and control of the state fund is vested in the board.
  - b. The board is vested with full power, authority, and jurisdiction over the state fund.

**NO SPONSOR SIGNATURE**

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Sponsor's Initials

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Date

*4/2/25*

*RE*

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Budget Director's Initials

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4/2/2025

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Date