

# State-Tribal Consultation in Montana

Background and Research Questions



# What does effective state-tribal consultation look like???



# New STRC Resource

State-Tribal Consultation in Montana Q&A



# What guidance does the federal government provide?

- Precedent of actions since 2000
- Executive orders
  - Written consultation policies, liaisons, trainings
- Not applicable to states

# What are the tribal consultation requirements for Montana's executive agencies?

- Two statutes in 2003 (2-15-142, 2-15-143)
  - Agency consideration of guiding principles
  - Governor: annual training, annual meeting with agency and tribal reps
  - Agencies: report annually to governor on activities related to tribal populations

# What tribal consultation policies exist in other states?

- Foundational actions (EAs and/or statutes)
- Similar requirements across states (written consultation policy, liaison, training)
- States range from 11 to 109 federally recognized tribes (Montana has 8)

# What was SB 379 (2025) and what impact did it have?

- 3 Main Components
  - One written consultation policy for each of the 15 umbrella agencies
  - Each agency must designate a tribal liaison to serve as a point of contact for tribes and to organize staff trainings as needed
  - Each agency will submit annually to the governor its current policy and any trainings by its employees
- Passed the Senate but died in the House

# SB 379 Proponents & Opponents

## Key Points of Proponents of SB 379

- State agency-tribal cooperation is essential
- The bill does not contain specific consultation requirements and allows agencies and tribes to agree not to consult.
- The fiscal note is inaccurate as the bill does not require the hiring of new staff
- Tribal governments visited by the STRC in 2023-2024 described communication difficulties with agencies that did not have liaisons

## Key Points of Opponents of SB 379

- State agency-tribal cooperation is essential
- Each agency has unique needs – some would need to do dozens of consultations if this passed
- Hiring of additional employees to serve as liaisons or consultants results in a large fiscal impact
- The Office of Indian Affairs already exists, serving as the executive branch liaison

# What foundational approach to state-tribal consultation can Montana take?

- Foundational legislation similar to SB 379 would be strengthened by further research that includes:
  - Tribal perspectives on consultation
  - Individual agency perspectives on consultation
  - Deeper analysis of fiscal impacts associated with SB 379
  - Interviewing and hearing from those in other states—What is working? What isn't?