

## 1 HOUSE BILL NO. 376

2 INTRODUCED BY J. WINDY BOY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RURAL ELECTRIC AND TELEPHONE  
5 COOPERATIVES TO CONSULT WITH TRIBAL GOVERNMENTS, ADHERE TO THE FEDERAL  
6 PROTECTION OF HISTORIC PROPERTIES, AND MEET THE REQUIREMENTS OF MONTANA'S HUMAN  
7 SKELETAL REMAINS AND BURIAL SITE PROTECTION ACT; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

9

10 WHEREAS, the Legislature recognizes the right of tribes to self-government; and

11 WHEREAS, the Legislature supports tribal sovereignty and self-determination; and

12 WHEREAS, the Legislature recognizes the fundamental principle and integrity of the government-to-  
13 government relationship between rural cooperatives and the Indian Nations of Montana; and

14 WHEREAS, the Legislature supports strengthening communications and building collaborative  
15 relationships that will benefit both the Indian Nations and the State of Montana.

16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18

19 NEW SECTION. **Section 1. Tribal participation.** (1) If a cooperative as defined in 35-18-102  
20 operates within the exterior boundaries of a Montana Indian reservation, the board of trustees shall consult with  
21 tribal governments within the reservation served.

22 (2) Consultation must:

23 (a) include tribal approval of undertakings on tribal lands that may impact historic properties on tribal  
24 lands in accordance with 36 CFR, part 800, subpart B;

25 (b) be conducted in a manner that is respectful of tribal sovereignty; and

26 (c) recognize government-to-government relationships.

27 (3) All cooperatives as defined in 35-18-102 shall provide for discovery, reporting, and field review  
28 requirements in accordance with Title 22, chapter 3, part 8, when conducting ground-disturbing activity in the

1 state.

2

3 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a  
4 copy of [this act] to each federally recognized tribal government in Montana.

5

6 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
7 integral part of Title 35, chapter 18, and the provisions of Title 35, chapter 18, apply to [section 1].

8

9 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

10

- END -