

# STATE-TRIBAL RELATIONS 2023 LEGISLATION

STATE-TRIBAL RELATIONS INTERIM COMMITTEE  
CASEY PALLISTER - JULY 2023

## 2023 LEGISLATIVE SESSION

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The 2023 Legislature enacted a number of bills related to state-tribal relations and Indian Country. This summary provides an overview of major legislation and budget provisions of House Bill 2 but is not an exhaustive list. To search for additional legislation of interest to you, please visit: <http://leg.mt.gov> and click on "Bill Search".

### CRIMINAL JUSTICE

[HB 111](#) – Revises laws related to the assignment of public defenders, removing assignment of counsel based on inability to pay for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding as required under the federal Indian Child Welfare Act.

### ECONOMIC DEVELOPMENT

[HB 19](#) – Removes the requirement that the state Director of Indian Affairs hire a tribal business center coordinator and a federal grants coordinator. Repeals 90-1-133 MCA, which required the state-tribal economic development commission to investigate and report on economic conditions on each of the Indian reservations in the state. Appropriates \$1 million from the general fund to DOC to work with the state-tribal economic development commission, tribal governments, and other partners to develop a data system to gather information and quantify ongoing economic conditions of the tribes in Montana.

[HB 477](#) – Recognizes federally recognized Indian tribes as foreign business entities and requires the secretary of state to charge a fee to file and index a financing statement or related record for a transaction that involves collateral within the boundaries of an Indian reservation.

### EDUCATION

[HB 2](#) – Appropriates the following:

- \$1.5 million in general fund to the Office of Public Instruction for Montana Indian Language Preservation Program;
- \$1.836 million in general fund to the Office of the Commissioner of Higher Education to reimburse tribal colleges for costs associated with resident nonbeneficiary (nontribal member) students;
- \$350,000 in general fund for HiSET (formerly GED) programs at tribal colleges.

**HB 91** – Includes tribal college libraries in the definition of public libraries, allowing them to be eligible for state aid to public libraries under 22-1-326 MCA.

**HB 287** – Revises the Indian Language Preservation Program to support efforts of Montana tribes and partnering school districts in preserving and perpetuating Indian languages. OPI will administer the program, distribute funds to tribal governments, and create program guidelines in collaboration with tribal governments. The act revises application guidelines and reporting requirements for tribal governments that receive program funds.

**HB 338** – Revises Indian Education for All (IEFA) to require the inclusion of Montana American Indians into state content standards. It also requires school districts to provide instruction in American Indian studies to certified personnel and students and creates more specific reporting requirements that detail how Indian education occurred and how IEFA funds were utilized for that purpose.

**HB 346** – Revises the Tribal Computer Programming Boost scholarship program to include elementary and middle school teachers and to place administration under the Department of Labor and Industry.

**SI 6** – A joint resolution recognizing the trauma caused by the U.S. government's forced removal of American Indian children from their homes and relocation to boarding schools and urging the U.S. Congress to designate a national day of remembrance.

## MISSING PERSONS AND RUNAWAY YOUTH

**HB 18** – Establishes the Missing Persons Response Team Training grant program, administered by the Department of Justice, to help fund training opportunities for community-based missing persons response teams.

**HB 163** – Extends the Missing Indigenous Persons Task Force and the Looping in Native Communities grant program to June 30, 2033. It also adds a representative from OPI to the task force and allows the task force to make recommendations to federal, state, and local agencies.

**HJ 1** – A joint resolution requesting a study and report on missing youth in Montana.

## NATURAL RESOURCES

**HB 141** – Eliminates the limit of \$650,000 of interest and earnings that can be deposited in the Blackfeet Tribe water rights compact mitigation account. It also eliminates the cap of \$650,000 per fiscal year that DNRC can spend for the implementation of the water rights compact among the Blackfeet tribe, the state, and the United States. The account is used to enhance water availability or mitigate the economic or hydrologic impacts on water right holders caused by the development of the Blackfeet Tribe's water rights.

## PUBLIC HEALTH, WELFARE, AND SAFETY

**HB 281** – Extends terms of members of the Burial Preservation Board—which includes one representative from each of the federally recognized Indian tribes in Montana—from 2 years to staggered 4-year terms.

**HB 317** – Establishes the Montana Indian Child Welfare Act.

**HR 9** – A House resolution urging federal action to allow full implementation of the community health aide program.

**SJ 5** – A joint resolution urging the U.S. Congress to fully fund public safety and law enforcement agencies, programs, services, and activities within Montana's reservations.

## TRANSPORTATION

**HB 489** – Changes the name of the Montana-Wyoming tribal leaders council to the Rocky Mountain tribal leaders council. The governor consults with the Rocky Mountain tribal leaders council to ensure at least one appointee of the five-member state transportation commission has specific knowledge of Indian culture and tribal transportation needs.

**SB 120** – Establishes the Chief Earl Old Person Memorial Highway in Glacier County.

### Outcome of Legislation Proposed by 2021-2022 State-Tribal Relations Committee

BILL	SHORT TITLE	STATUS
HB 18	Establish a missing persons response team training grant program	Passed
HB 19	Revise laws related to Indian affairs and economic development	Passed
HJ 1	Interim study on missing youth	Passed
SJ 5	Resolution urging Congress to fully fund law enforcement in Indian Country	Passed