



2021 State-Tribal Legislative Impacts

June 2021

While the federal budget plays a significant role in Indian Country, the state budget also impacts tribal communities. Through the state budget, the Montana Legislature identifies, prioritizes, and funds the public services on which we all rely.

This report summarizes some of the bills relevant to tribal communities that the 2021 Legislature considered. It is important to note that, although the legislative session is over, lawmakers will continue to serve in the interim. For example, between legislative sessions, the State-Tribal Relations Committee (STRC) acts as a liaison with tribal governments, encourages intergovernmental cooperation, conducts interim studies, and reports its activities and findings to the Legislature. The STRC may also propose legislation for the next Legislature to consider.

Before outlining state investments in Indian Country, it is crucial to touch on taxation and economic contributions of tribal communities. Throughout the 2021 session, some lawmakers made false and misleading statements about taxation in Indian Country, at times claiming that American Indians do not pay taxes.¹ These claims are simply not true, do not capture the nuance of tax policy in Indian Country, and overlook the huge role that tribal communities play in our state. As just one example, an analysis of data from 2003-2009 shows that tribal nations in Montana collectively contribute about \$1 billion per year to the Montana economy.² Among many other contributions, tribal nations provide programs and services that benefit all Montanans, American Indians and non-Indians alike. It is irresponsible and harmful to suggest otherwise.

For more on taxes in Indian Country, see MBPC’s policy basics reports on [taxes individual tribal citizens pay](#), [taxes and tribal governments](#), and [taxation authority in Indian Country](#).

For easier navigation, click the section title or bill number to go directly to a particular section or bill. Click the bill title or section header in the body to navigate back to the below table of contents.

Bill No.	Title	Outcome	Page
Economic Development & Infrastructure			
HB 2	General Appropriations Act (Indian Country Economic Development)	Passed	2
HB 657	Establish the rural broadband revolving loan account	Failed	3
HB 668	Generally revise corporation laws regarding tribal entities	Failed	3
SB 14	Provide for tribal participation in 9-1-1 grant program	Passed	3
SB 48	Allowing transfer of certain highway funding to tribes	Failed	4
SB 297	ConnectMT Act to establish broadband deployment	Passed	4
Education			
HB 2	General Appropriations Act (Tribal Colleges)	Passed	4
HB 403	Create “grow your own” teacher grant program	Passed	5
HB 626	Revise resident nonbeneficiary student reimbursement for tribal colleges	Failed	5
HB 644	Establish tribal computer programming boost scholarship program	Passed	5

Health			
HB 676	Generally revise Medicaid and CHIP laws	Failed	6
SB 100	Provide for the welfare fraud prevention act	Failed	6
Language			
HB 2	General Appropriations Act (Montana Indian Language Preservation)	Passed	6
HB 286	Revise laws related to the Montana Digital Academy	Failed	7
HB 392	Generally revise language immersion laws	Failed	7
HB 487	Make Indian language education an allowable TANF work activity	Failed	7
HB 671	Implement provisions of HB 2 – Section E – education	Passed	8
Missing and Murdered Indigenous People			
HB 35	Establish a missing persons review commission	Passed	8
HB 36	Establish missing persons response team training grant program	Failed	8
HB 98	Extending the Missing Indigenous Persons Task Force and the LINC grant program	Passed	9
HB 557	Revise missing persons laws	Failed	9
SB 4	Extend the Missing Indigenous Persons Task Force	Passed	9
Tax			
HB 526	Generally revise county assessor laws	Failed	9
HB 621	Revise distribution of marijuana revenue and provide tribal government allocations	Failed	9
HB 646	Generally revise environmental, tax, and labor laws	Failed	10
HB 701	Generally revise marijuana laws	Passed	10
SB 138	Repeal temporary tribal property tax exemption	Failed	10
SB 214	Revise laws related to temporary tribal property tax exemption	Passed	11
Other			
HB 613	Generally revise laws related to tribal voting	Failed	11
HB 632	Implement receipt of and appropriate federal stimulus and COVID recovery funds	Passed	11
HB 656	Providing appropriations related to law enforcement within Flathead Reservation	Passed	12
SJ 26	Interim study of the women's prison	Passed	12

HB = House Bill, SB = Senate Bill, SJ = Senate Joint Resolution.

Economic Development & Infrastructure

General Appropriations Act (Indian Country Economic Development)

Bill Number: HB 2

Sponsor: Rep. Llew Jones

Outcome: Passed, One-Time-Only Funding

Appropriation (biennium): \$1.75 million

The Indian Country Economic Development (ICED) Grant Program grows economic development opportunities in Indian Country and strengthens Montana's economy. The ICED program provides individual American Indians, tribal governments, and tribal organizations with funding for projects that

support private-sector business development on reservations and in tribal communities. Since its inception in 2005, the Legislature has funded the ICED program on a one-time-only (OTO) basis, despite the program's successful track record. OTO funding means the Legislature must reapprove program funding each legislative session. The 2021 Legislature maintained the program's OTO status in [HB 2](#) at a level of \$1.75 million for the 2023 biennium, an amount roughly the same as what the 2019 Legislature provided for the program.

To learn more about the ICED program, read MBPC's report, [Economic Development in Indian Country: A State Investment with Continued Returns](#).

Establish the rural broadband revolving loan account

Bill Number: [HB 657](#)

Sponsor: [Rep. Tyson Running Wolf](#)

Outcome: **Failed**

Proposed Appropriation (biennium): **\$300,000**

Internet access in Montana is limited. Compared to the other 50 states and Washington, D.C., Montana ranks nearly last at 50th in terms of overall coverage, pricing, and speed.³ [HB 657](#) would have used \$200 million in American Rescue Plan Act funding to finance rural broadband deployment in unserved areas or low-service areas through a revolving loan fund. Individuals and businesses would have been eligible loan recipients. [HB 657](#) also would have created a broadband coordinator position in the Department of Commerce. One responsibility of the position would have been consulting with tribal nations on broadband planning and implementation. [HB 657](#) would have appropriated \$300,000 from the General Fund to the Department of Commerce for the coordinator position and research.

Generally revise corporation laws regarding tribal entities

Bill Number: [HB 668](#)

Sponsor: [Rep. Sharon Stewart Peregoy](#)

Outcome: **Failed**

[HB 668](#) aimed to facilitate access to capital and banking for businesses in Indian Country by having the Secretary of State recognize business entities formed under tribal law as foreign business entities. According to Representative Stewart Peregoy, [HB 668](#) would have corrected an oversight in recent changes to business law.⁴ Part of the bill related to the Universal Commercial Code (UCC), or the comprehensive set of laws that govern commercial transactions between jurisdictions. UCC creates uniformity and some level of certainty for businesses and people engaging in those transactions. All states participate. The Montana Secretary of State has UCC compacts with the Crow Tribe and the Chippewa Cree Tribe. [HB 668](#) would have required compacts between the Secretary of State and all federally recognized tribal governments.⁵ Rep. Stewart Peregoy requested to table [HB 668](#) because the issue may resolve through other legislation or during the interim.⁶

Provide for tribal participation in 9-1-1 grant program

Bill Number: [SB 14](#)

Sponsor: [Sen. Janet Ellis](#)

Outcome: **Passed**

[SB 14](#) amends existing law to authorize participation in the state 9-1-1 grant program for tribal government entities that host 24-hour emergency response and dispatch communications facilities. [SB 14](#) makes tribal government entities eligible to receive grants for various costs, including implementing, operating, and maintaining 9-1-1 systems, equipment, devices, and data. [SB 14](#) is effective immediately.

Allowing transfer of certain highway funding to tribes

Bill Number: SB 48

Sponsor: Sen. Mike Fox

Outcome: Failed

SB 48 would have allowed tribal governments to request that the state transfer the on-reservation share of fuel tax revenue directly to the tribal government (for tribal governments that are eligible for federal tribal transportation programs), rather than having that funding go to the county. This change would have allowed tribal governments to access those funds that counties should use to maintain county highways on reservations that are under county jurisdiction. Rural road mileage, rural population, and land area within the exterior boundaries of the reservation that are within a county would have determined the on-reservation share. The STRC requested SB 48.

ConnectMT Act to establish broadband deployment

Bill Number: SB 297

Sponsor: Sen. Jason Ellsworth

Outcome: Passed

Appropriation (biennium): \$500,000

SB 297 could expand broadband service across Montana. It creates a grant program to award broadband providers with funding to deploy broadband projects in unserved and underserved areas. The program requires providers to commit to paying at least 20 percent of costs. Tribal and local governments may partner with broadband providers to fund projects; however, that funding may not count toward the required 20 percent provider contribution. HB 632 will provide \$275 million in American Rescue Plan Act money for broadband-related projects. SB 297 will use that money for the grant program. It also provides the Department of Commerce with \$500,000 for the biennium to oversee program implementation.

Education

General Appropriations Act (Tribal Colleges)

Bill Number: HB 2

Sponsor: Rep. Llew Jones

Outcome: Passed

Appropriation (biennium): \$2 million

Tribal colleges provide many Montanans, American Indian and non-Indian, with a quality education. While tribal colleges get some revenue from charging tuition and fees, their primary funding is federal. However, tribal colleges do not receive federal support for educating non-Indian students and are left to absorb the cost in their budgets. To help offset the cost, the 1995 Legislature established the Tribal College Assistance Program to provide tribal colleges with state funding for educating full-time resident, nonbeneficiary students. Nonbeneficiary students are not enrolled citizens of a federally recognized tribal nation or immediate descendants of an enrolled citizen. Total funding for tribal colleges in HB 2 is just more than \$2 million for the biennium. Of that, \$350,000 are one-time-only funds for tribal colleges to help students prepare for and complete the HiSET exam, which grants students the opportunity to earn a high school equivalency credential.

To read about some of the benefits that tribal colleges provide to the state, read MBPC's report, [An Outstanding Return on Investment: Tribal Colleges and Their Contributions to Montana](#).

Create “grow your own” teacher grant program

Bill Number: HB 403

Sponsor: Rep. Tyson Running Wolf

Outcome: Passed

Appropriation (biennium): \$500,000 (HB 2)

Recruiting teachers to serve in rural Montana schools is challenging. The more rural the school, the more difficult it is to fill a position. For the 2017-2018 school year, 65 percent of rural schools had difficulty filling or were unable to fill educator positions, as compared to 35 percent of non-rural schools. Schools that struggled the most to fill positions that year were near the Crow, Northern Cheyenne, and Fort Peck Reservations.⁷ To address these shortages and the opportunity gaps in rural and reservation schools, [HB 403](#) creates a grant program that supports rural and reservation school districts in developing teacher pipelines. While it appropriates just \$1 for the program for the biennium, [HB 2](#) includes \$500,000 in one-time-only funding for the program over the biennium. Grant program participants include eligible school districts, tribal colleges, community colleges, two-year campuses, and students pursuing teaching degrees. The program is effective July 1, 2021, and terminates on June 30, 2027.

Revise resident nonbeneficiary student reimbursement for tribal colleges

Bill Number: HB 626

Sponsor: Rep. Tyson Running Wolf

Outcome: Failed

State funding that supports tribal colleges in educating nonbeneficiary students is limited. While the state is not obligated to provide funding for tribal colleges, state funding helps to offset the costs of tribal colleges educating nonbeneficiary students, or those students who are not enrolled citizens of a federally recognized tribal nation or immediate descendants of an enrolled citizen. The current maximum funding allowed per student is \$3,280, meaning tribal colleges may receive less than that. In fact, in three recent years, tribal colleges did not receive the full \$3,280 per student.⁸ That amount tribal colleges receive per student has increased only modestly since it was \$3,024 in 2005.⁹ Had funding kept pace with inflation, the amount today would be \$4,133.¹⁰ Moreover, the funding distribution is contingent upon the Legislature making the appropriation. [HB 626](#) would have revised the funding in several ways, including making the funding permanent, adjusting the per-student payment for inflation annually, and changing the payment per student from a maximum cap to a set amount.

To read about some of the benefits that tribal colleges provide to the state, read MBPC's report, [An Outstanding Return on Investment: Tribal Colleges and Their Contributions to Montana](#).

Establish tribal computer programming boost scholarship program

Bill Number: HB 644

Sponsor: Rep. Jonathan Windy Boy

Outcome: Passed

Appropriation (biennium): \$64,000

[HB 644](#) can serve as a pathway to high-wage computer science jobs. [HB 644](#) establishes a scholarship program to help develop computer programming courses at high schools on reservations, increase interest in computer programming and other technology-related careers among American Indian students, and enhance technology-related economic development in Indian Country. The program offers technology teachers up to \$2,000 in scholarships for professional development. Eligible scholarship recipients are high school teachers employed at high schools on reservations or high schools that serve Little Shell students. The program aims to encourage students to pursue technology-related careers through incentives that include training, internships, and stipends. The program is effective immediately and terminates on June 30, 2025.

Health

Generally revise Medicaid and CHIP laws

Bill Number: [HB 676](#)

Sponsor: [Rep. Jane Gillette](#)

Outcome: **Failed**

[HB 676](#) would have made access to health care more difficult for children and adults. [HB 676](#) would have made multiple changes to the Children's Health Insurance Program (CHIP) and Medicaid by creating new eligibility verification requirements, prohibiting continuous eligibility, and creating unnecessary and, in some cases, unallowable limits on eligibility. The bill's fiscal note estimated that the continuous eligibility piece alone could have cost thousands of adults their health care.¹¹

Provide for the welfare fraud prevention act

Bill Number: [SB 100](#)

Sponsor: [Sen. Cary Smith](#)

Outcome: **Failed**

[SB 100](#) would have impacted participation in important programs, including Medicaid and the Supplemental Nutrition Assistance Program (SNAP). It would have required a costly and burdensome level of verification for program eligibility, putting up barriers to programs when people need them most. Medicaid, for example, is a critical resource for eligible American Indians who either have no insurance or who are dealing with inadequate care through the underfunded Indian Health Service. American Indians are 6.4 percent of the state population¹² but account for 16.3 percent of Medicaid expansion enrollees.¹³ Some research suggests that [SB 100](#) could have harmed about 22,000 health-care recipients alone, with outsized consequences for American Indian participants.¹⁴ This estimate does not include SNAP and other programs.

For more on [SB 100](#), read MBPC's blog post, [SB 100: A Trojan Horse](#).

Language

Across the nation, tribal languages are vanishing, taking with them a vital piece of culture and knowledge. Montana is no exception. For example, despite having a large number of language speakers relative to other tribal nations, the share of citizens of the Crow Tribe of Indians who speak the language fluently has decreased from about 85 percent 60 years ago to about 30 percent today. The decline has been especially sharp among young speakers.¹⁵ Languages that are not spoken by children are at great risk of becoming extinct or of having no remaining speakers.¹⁶ This session, the Legislature considered proposals to preserve tribal languages.

General Appropriations Act (Montana Indian Language Preservation)

Bill Number: [HB 2](#)

Sponsor: [Rep. Llew Jones](#)

Outcome: **Passed, One-Time-Only Funding**

Appropriation (biennium): [\\$1.5 million](#)

State funding in tribal language preservation is a sound investment. Established in 2013 as a commitment by Montana to protect American Indian and Montana culture and history, the Montana Indian Language Preservation (MILP) Program funds language preservation efforts of tribal governments. Since its inception, the Legislature has funded the program on a one-time-only (OTO) basis. This session, after lawmakers attempted to cut the program's funding, the Legislature maintained the program's OTO status in [HB 2](#) at a level of \$1.5 million, the same amount the 2019 Legislature provided.

To learn more about language preservation efforts in Montana, read MBPC's report, [Tribal Language Preservation Strengthens Communities But Needs Consistent Funding](#).

Revise laws related to the Montana Digital Academy

Bill Number: HB 286

Sponsor: Rep. Jonathan Windy Boy

Outcome: Failed

HB 286 was part of broader language preservation efforts. It would have expanded course offerings on the Montana Digital Academy, which provides online learning resources and opportunities for Montanans, to include courses in tribal language and culture. The courses would have used tribal language and culture specialists as teachers and included potential partnerships with tribal colleges for dual credit and community learning opportunities. The bill's fiscal note estimated HB 286 would have cost the state \$80,000 for the biennium.¹⁷ While HB 286 failed, HB 2 includes \$80,000 for the biennium for tribal languages in the Montana Digital Academy, possibly covering the intent of HB 286.

Generally revise language immersion laws

Bill Number: HB 392

Sponsor: Rep. Jonathan Windy Boy

Outcome: Failed

HB 392 would have helped sustain tribal language preservation efforts in classrooms. In 2015, the Legislature passed the Cultural Integrity Commitment Act to encourage school districts to create language immersion programs on their campuses. Immersion programs benefit American Indian and non-Indian students and serve to raise student achievement, strengthen families, and preserve and perpetuate tribal language and culture across Montana.¹⁸ Under current law, immersion programs provide students with content area instruction in a tribal language for at least 50 percent of the day. HB 392 would have changed that to gradually increase language immersion instruction as students progress through their education, beginning with tribal language instruction for at least 30 percent of the day in the first year and increasing to at least 50 percent by the third year. HB 392 also would have made language immersion programs eligible to receive more funding, increasing state costs by about \$137,000 by 2025.¹⁹ HB 392 would have repealed the Cultural Integrity Commitment Act's termination date of June 30, 2023. A separate bill, HB 671 (below), did this instead. While the bill failed, HB 2 includes roughly \$194,000 in funding for language immersion for the biennium.

To learn more about language immersion programs, read MBPC's report, [Tribal Language Preservation Strengthens Communities But Needs Consistent Funding](#).

Make Indian language education an allowable TANF work activity

Bill Number: HB 487

Sponsor: Rep. Jonathan Windy Boy

Outcome: Failed

HB 487 would have made participation in a certified tribal language class at a tribal college an allowable work activity under the Temporary Assistance for Needy Families (TANF) program. According to the Department of Public Health and Human Services, this may already be an allowable activity.²⁰ The draft TANF state plan for 2021-2023 includes education as an allowable activity.²¹

Implement provisions of HB 2 – Section E – education

Bill Number: HB 671

Sponsor: Rep. David Bedey

Outcome: Passed

HB 671 impacts tribal language preservation efforts. It moves the Montana Indian Language Preservation (MILP) Program from the Department of Commerce to the Office of Public Instruction. This move comes after lawmakers threatened the program's funding. HB 671 also gets rid of the termination dates of the MILP Program and the Cultural Integrity Commitment Act, creating greater certainty for the future of the programs. HB 671 includes language that would have charged the Legislative Finance Committee with directing a study this coming interim of topics that include tribal language preservation. However, [HB 497](#) voided the study and the \$5,000 appropriation for the Legislative Finance Committee to complete the study. HB 671 is effective July 1, 2021.

Missing and Murdered Indigenous People

Indigenous Montanans disproportionately account for missing persons cases in Montana. According to a September 2020 report from the Montana Department of Justice, indigenous people account for 26 percent of missing persons cases in Montana,²² while representing 6.4 percent of the population.²³ The 2021 Legislature considered several proposals to address the Missing and Murdered Indigenous People (MMIP) crisis.

Establish a missing persons review commission

Bill Number: HB 35

Sponsor: Rep. Sharon Stewart Peregoy

Outcome: Passed

Appropriation (biennium): \$20,000

HB 35 could help deepen our understanding of the MMIP crisis. It establishes a missing persons review commission that will review missing persons cases that the attorney general chooses. The attorney general will appoint up to 18 members to serve on the commission. The commission's responsibilities include 1) examining patterns and trends of missing indigenous persons in Montana, 2) educating stakeholders about missing indigenous persons and investigation and prevention strategies, and 3) making recommendations to curb missing indigenous persons rates. As part of its case review, the commission must consider whether jurisdictional complexities undermined an investigation. For the biennium, HB 35 appropriates \$20,000 to the Department of Justice to operate the commission. HB 35 goes into effect on July 1, 2021, and terminates on June 30, 2023. The STRC requested HB 35.

Establish missing persons response team training grant program

Bill Number: HB 36

Sponsor: Rep. Sharon Stewart Peregoy

Outcome: Failed

Proposed Appropriation (biennium): \$61,000

HB 36 would have helped build capacity among communities to respond to missing persons cases. It would have established a grant program to help fund training opportunities for community-based missing persons response teams. HB 36 would have provided \$61,000 for the biennium for the Department of Justice to administer the grant program. The Legislature cited [Operation Lady Justice](#), a federal response to the MMIP crisis, as a reason for tabling the bill. The STRC requested HB 36.

Extending the Missing Indigenous Persons Task Force and the LINC grant program

Bill Number: HB 98

Sponsor: Rep. Sharon Stewart Peregoy

Outcome: Passed

Appropriation (biennium): \$50,000

HB 98 continues successful MMIP response efforts. The 2019 Legislature passed a package of MMIP bills, including SB 312, which created the Looping in Native Communities (LINC) network grant program and the missing indigenous persons task force. The LINC network grant program supports tribal efforts to identify, report, and find missing indigenous people in Montana. HB 98 extends the termination date of both the task force and the LINC grant program to June 30, 2023. The bill also requires that the task force identify causes that contribute to MMIP and make recommendations to tribal nations to reduce MMIP cases. By July 1, 2022, the task force must provide a written report of its findings and recommendations to the STRC. HB 98 provides \$50,000 for the biennium for the task force to provide matching grants to tribal agencies to implement LINC. The STRC requested HB 98.

SB 4 also extends the termination date of the missing indigenous persons task force to June 30, 2023. The STRC requested SB 4.

Revise missing person laws

Bill Number: HB 557

Sponsor: Rep. Jonathan Windy Boy

Outcome: Failed

HB 557 aimed to provide an additional response to missing persons cases. It would have required that a person with knowledge of a missing persons case report details of the missing person case to local law enforcement or the Department of Justice. Under the proposed changes to missing persons laws, were a person to have information and not report that information, they could have experienced fines or incarceration. HB 557 also would have required that county attorneys report the status of missing persons cases to the attorney general.

Tax

Generally revise county assessor laws

Bill Number: HB 526

Sponsor: Rep. Joe Read

Outcome: Failed

HB 526 was one of several bills this session aimed at the temporary tribal property tax exemption that applies to fee land with a pending trust application. It would have allowed a county to request that the Department of Revenue review the exemption of a property located within the county. It also would have allowed a county to appeal an exemption to the state tax appeal board. The bill was so broad that it could have impacted any property tax exemption.

Revise distribution of marijuana revenue and provide tribal government allocations

Bill Number: HB 621

Sponsor: Rep. Jonathan Windy Boy

Outcome: Failed

HB 621 would have provided tribal governments with a revenue boost. It would have set aside 8.4 percent of recreational cannabis tax revenue for the Department of Revenue to provide tribal governments with grants for compliance with state law, substance use, fire and police costs, emergency-related or disaster-related expenses, and health services. The allocation to each of the tribal governments would have been

proportional to the population of its enrolled tribal citizens. The fiscal note estimated that HB 621 would have deposited as much as \$3.3 million into the account in 2025 alone.²⁴

For more on HB 621, see MBPC's blog post, [House Bill 621 Would Bring Recreational Cannabis Tax Revenue to Indian Country](#).

Generally revise environmental, tax, and labor laws

Bill Number: HB 646

Sponsor: Rep. Mary Ann Dunwell

Outcome: Failed

HB 646 sought to address declining coal production and demand from the shift to an energy market that includes renewables. It would have increased the tax rate on existing electrical production to compensate for decreased coal revenue. Using the savings realized from a transition to lower-cost methods of producing electricity through renewable energy, HB 646 would have created various accounts, including the tribal coal revenue replacement account, to assist communities and workers impacted by the energy shift. The tribal coal revenue replacement account could have seen \$5.34 million in revenue in 2025 alone.²⁵ Examples of what the assistance would have provided for include pay and pensions for displaced coal workers, mortgage assistance, and job retraining.

Generally revise marijuana laws

Bill Number: HB 701

Sponsor: Rep. Mike Hopkins

Outcome: Passed

Recreational cannabis can bring significant new revenue to Montana. HB 701, a 153-page bill, implements Montana's recreational cannabis program. In 2025 alone, the 20 percent tax on recreational cannabis sales may bring in \$51.3 million.²⁶ The revenue will go to various priority areas, including the Healing and Ending Addiction Through Recovery and Treatment (HEART) Fund. The money in the fund will go toward statewide programs related to mental health and substance use prevention, recovery, and treatment. Those programs will partly support efforts in tribal communities. The HEART Fund will provide as much as \$500,000 in grants and services for tribal nations for substance use and mental health promotion. HB 701 also allows the Department of Revenue to issue eight licenses to tribal governments or tribally owned businesses to participate in the recreational cannabis market. The tribal government or business must set up its operation within 150 air miles of the exterior boundary of its reservation or, for the Little Shell Tribe of Chippewa Indians, within 150 air miles of its tribal service area. Since Montana voters legalized recreational cannabis through ballot initiative 190, tribal nations have taken steps to participate in the market. For example, in April, the Crow Tribe signaled its intent to allow the tribal government to oversee its cultivation and sale of cannabis.²⁷ Parts of the bill go into effect at various times.

Repeal Temporary Tribal Property Tax Exemption

Bill Number: SB 138

Sponsor: Sen. Greg Hertz

Outcome: Failed

SB 138 was possible because of the late-19th and early-20th century anti-indigenous policy of allotment, which sought to break up tribal governments, get rid of reservations, and assimilate American Indians into non-Indian society. To do this, the federal government divided communally held reservation lands into individual parcels, or allotments, without tribal consent. The federal government then allocated each tribal citizen or household an allotment and sold "surplus" parcels to non-Indian settlers, most often without compensating tribal nations. This forced allotment of reservations opened tribal land to state and local property taxes as fee land. As intended, allotment had devastating consequences for tribal communities. In 1934, Congress created a process for tribal nations to restore lands impacted by

allotment when it passed the Indian Reorganization Act. However, that process can be costly and time-consuming. The 2011 Montana Legislature created a five-year property tax exemption to facilitate that process when it passed [SB 412](#) with bipartisan support. SB 138 attempted to repeal that exemption.

For more on allotment and land in Indian Country, read MBPC's report, [Policy Basics: Land Status of Indian Country](#). To read more about SB 138, read MBPC's blog post, [Senate Bill 138 Has Deep Roots in Settler Colonialism](#).

Revise Laws Related to Temporary Tribal Property Tax Exemption

Bill Number: [SB 214](#)

Sponsor: [Sen. Greg Hertz](#)

Outcome: [Passed](#)

Like SB 138, [SB 214](#) is a relic of the anti-indigenous policy of allotment. It revises the temporary tribal property tax exemption to allow counties to recapture property taxes from tribal fee lands, should the Bureau of Indian Affairs deny the fee-to-trust application or should the five-year exemption expire. The bill's fiscal note anticipates that SB 214 will have minimal fiscal impacts for counties.²⁸ Despite that, the bill's anti-indigenous roots, and strong tribal opposition, the Legislature passed SB 214.

For more on allotment and land in Indian Country, read MBPC's report, [Policy Basics: Land Status of Indian Country](#). To read more about SB 214, read MBPC's blog post, [Senate Bill 214 Has Deep Roots in Settler Colonialism](#).

Other

Generally revise laws related to tribal voting

Bill Number: [HB 613](#)

Sponsor: [Rep. Sharon Stewart Peregoy](#)

Outcome: [Failed](#)

Proposed Appropriation (biennium): [\\$5,000](#)

[HB 613](#) would have increased access to the ballot in Indian Country. Also referred to as the Native American Voting Rights Act, HB 613 underwent significant changes. Key provisions in the original bill would have required at least two full-service, permanent satellite election offices on each reservation (and in locations designated by the Little Shell Tribe of Chippewa Indians) for state and federal elections and required that reservations have at least one mail ballot deposit for each town that is more than 10 miles from a permanent satellite election office. After heavy amendments, the Legislature failed to pass the bill.

Implement receipt of and appropriate federal stimulus and COVID recovery funds

Bill Number: [HB 632](#)

Sponsor: [Rep. Frank Garner](#)

Outcome: [Passed](#)

Appropriation (biennium): [\\$2.1 billion \(federal funds\)](#)

[HB 632](#) provides Montana with a significant amount of money to respond to the impacts of the COVID-19 pandemic. It appropriates more than \$2 billion in federal funds from the American Rescue Plan Act (ARPA) for broadband, infrastructure, health and human services, education, and more. While the Legislature has adjourned, questions about federal ARPA funds remain. That means that the Legislature will continue its work this interim. HB 632 creates four new commissions with oversight over ARPA funds. Those commissions are the Infrastructure Advisory Commission, Communications Advisory Commission, Economic Transformation and Stabilization Advisory Commission, and Health Advisory Commission. The commissions are responsible for reviewing and providing recommendations to the governor on how to

appropriate ARPA funding. Tribal governments are eligible to receive funding where local governments are eligible. HB 632 is effective immediately.

To read more about HB 632, read [MBPC's summary](#).

Providing appropriations related to law enforcement within Flathead Reservation

Bill Number: HB 656

Sponsor: Rep. Joe Read

Outcome: Passed

Appropriation (biennium): \$1

Originally, [HB 656](#) sought to make significant investments in Lake County's capacity to exercise criminal jurisdiction on the Flathead Reservation. HB 656 stems from Public Law (P.L.) 280, the 1953 federal law that opened reservations to state jurisdiction. While P.L. 280 required some states to participate, Montana was not one of them. However, in 1963, the Montana Legislature passed legislation that allowed the state to assume P.L. 280 jurisdiction over the Confederated Salish and Kootenai Tribes.²⁹ The Flathead Reservation is the only P.L. 280 reservation in Montana. HB 656 provides Lake County with \$1 for each year of the biennium for assuming criminal jurisdiction on the Flathead Reservation and intends for that funding to be included in the budget next session. HB 656 would have allocated about \$2.2 million per year to Lake County until the Legislature reduced the amount to \$250,000 per year and then to \$1 per year. HB 656 also allows Lake County to withdraw from enforcement of criminal jurisdiction on behalf of the state. The law is effective on July 1, 2021, and sunsets on June 30, 2027.

Interim study of the women's prison

Bill Number: SJ 26

Sponsor: Sen. Diane Sands

Outcome: Passed

[SJ 26](#) tasks the Legislature this interim with studying the adequacy of the women's prison and its programs. The scope of the study will be broad. Covered topics will include demographics of the inmate population, including education level and the number of women of color; available and needed programs and resources, including workforce training and education; and reentry. The interim committee assigned the study (to be determined) must conclude its work by September 15, 2022.

¹ Reksten, L., House of Representatives, [comment on HB 701](#), House Floor Session, Apr. 27, 2021.

² Department of Commerce, "[Economic Contributions of Reservations to the State of Montana, 2003-2009](#)."

³ Cooper, T., and Tanberk, J., "[Best and Worst States for Internet Coverage, Prices and Speeds, 2020](#)," BroadbandNow Research, Apr. 7, 2021.

⁴ Stewart Peregoy, S., House of Representatives, [testimony on HB 668](#), House Committee on Business and Labor, Mar. 30, 2021.

⁵ Governor's Office of Budget and Program Planning, [Fiscal Note, HB0668](#), Mar. 31, 2021.

⁶ Harvey, D., House of Representatives, [executive action on HB 668](#), House Committee on Business and Labor, Apr. 1, 2021.

⁷ Young Yoon, S., Mihaly, K., and Moore, A., "[A snapshot of educator mobility in Montana: Understanding issues of educators shortages and turnover](#)," Regional Educational Laboratory Northwest, Oct. 2019.

⁸ Governor's Office of Budget and Program Planning, [Fiscal Note, HB0626](#), Mar. 19, 2021.

⁹ Stockwell, H., "[Tribal Colleges in Montana: Funding and Economic Impacts](#)," Legislative Services Division, July 13, 2016.

¹⁰ MBPC calculations of July 2005 to April 2021 using U.S. Bureau of Labor Statistics, "[CPI Inflation Calculator](#)."

¹¹ Governor's Office of Budget and Program Planning, [Fiscal Note, HB0676](#), Mar. 30, 2021.

¹² U.S. Census Bureau, "[ACS Demographic and Housing Estimates, 2015-2019 American Community Survey 5-Year Estimates, Table DP05](#)," accessed on Apr. 27, 2021.

¹³ Department of Public Health and Human Services, "[Montana Medicaid Expansion Dashboard](#)," accessed on May 19, 2021.

-
- ¹⁴ Ku, L., and Brantley, E., "Analysis of Montana SB 100 and Policies to Limit Medicaid 12-Month Continuous Eligibility," The George Washington University, Department of Health Policy and Management, Apr. 7, 2021.
- ¹⁵ Grunewald, R., and Lozar, C., "Crow community wakes up its language," Federal Reserve Bank of Minneapolis, Center for Indian Country Development, Apr. 2, 2019.
- ¹⁶ Crawford, J., "Endangered Native American Languages: What Is to Be Done, And Why?" The Bilingual Research Journal, Vol. 19, No. 1, 1995, pp. 17-38.
- ¹⁷ Governor's Office of Budget and Program Planning, Fiscal Note, HB0286, Feb. 21, 2021.
- ¹⁸ Mont. Code Ann., 20-7-1402.
- ¹⁹ Governor's Office of Budget and Program Planning, Fiscal Note, HB0392, Feb. 17, 2021.
- ²⁰ Hermanson, G., Department of Public Health and Human Services, informational witness on HB 487, House Committee on Human Services, Feb. 25, 2021.
- ²¹ Department of Public Health and Human Services, Human and Community Services Division, "Temporary Assistance for Needy Families (TANF) State Plan, Effective January 1, 2021 to December 31, 2023."
- ²² Montana Department of Justice, "Looping in Native Communities," report to the State-Tribal Relations Interim Committee, Sept. 1, 2020.
- ²³ U.S. Census Bureau, "ACS Demographic and Housing Estimates, 2015-2019 American Community Survey 5-Year Estimates, Table DP05," accessed on Apr. 27, 2021.
- ²⁴ Governor's Office of Budget and Program Planning, Fiscal Note, HB0621, Mar. 4, 2021.
- ²⁵ Governor's Office of Budget and Program Planning, Fiscal Note, HB0646, Mar. 25, 2021.
- ²⁶ Governor's Office of Budget and Program Planning, Fiscal Note, HB0701, Apr. 26, 2021.
- ²⁷ Hamby, P., "Crow Tribe set to enter cannabis industry," Helena Independ Record, Apr. 21, 2021.
- ²⁸ Governor's Office of Budget and Program Planning, Fiscal Note, SB0214, Feb. 15, 2021.
- ²⁹ Legislative Services Division and Margery Hunter Brown Indian Law Clinic, "Tribal Nations in Montana: A Handbook for Legislators," Oct. 2016.