



2023 State-Tribal Legislative Impacts

June 2023

In May, Montana’s 68th Legislature adjourned. It closed with several vital bills that impact American Indians living in Montana. Tribal nations have a government-to-government relationship with states. States have a mutual obligation to listen and communicate with tribal governments to ensure resources are maximized for all their citizens. 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 we rely on.

This report summarizes some of the bills relevant to tribal communities that the 2023 Legislature considered. Throughout the session, the Indian Caucus, comprised of 11 Indigenous legislators, worked with tribal governments and their members, as well as partner organizations, to support or oppose bills in the best interest of Indian Country. Along with positive outcomes, this report also touches on missed opportunities for legislators to positively affect the lives of all Montanans. Both are crucial for identifying improvements Montana can make for future sessions.

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. For example, in the 2021-2022 interim, the STRC proposed HJ 1 that requested a bill to study missing youth which has now been signed into law.

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

Economic Development and Infrastructure

Before outlining state investments in the economic infrastructure of Indian Country, it is crucial to touch on taxation and economic contributions of tribal communities. Tax dollars raised in states fund essential services like education, healthcare, transportation, assistance for struggling families, and corrections.¹ Throughout different legislative sessions, many have witnessed false and misleading statements about taxation in Indian Country, claiming that American Indians do not pay taxes.² 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.³ 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](#).

Revising laws related to Indian affairs and economic development

Bill Number: [HB 19](#)

Sponsor: Rep. Running Wolf

Outcome: Passed

Appropriation: \$116,022⁴

Under current law, the Department of Commerce is required to publish a decennial report on the economic contributions and impacts of the tribal nations in Montana. The bill eliminates the requirement for a decennial report and instead requires the department to develop a system to gather and make quantifiable info available on an ongoing basis. This bill is meant to provide not only the state and tribal nations with data but also the general public so they may better understand the major economic contributions that tribal nations make to the state of Montana. A caveat to this bill is the striking of two job positions that would serve under the director of the Governor’s Office of Indian Affairs.

Generally revise corporation laws regarding tribal entities

Bill Number: [HB 477](#)

Sponsor: Rep. Stewart-Peregoy

Outcome: Passed

This bill is an act revising business laws to recognize a federally recognized tribal nations as a “foreign business entity” regarding transactions with money lenders. This change is said to open up access to capital from banks to tribal nations and entrepreneurs.

Generally Revising laws relating to reallocation of 911 fees

Bill Number: [HB 597](#)

Sponsor: Rep. Duram

Outcome: Passed

Fees collected for 9-1-1 services are open to tribal governments and entities to apply for if they host a public safety answering point. HB 597 splits the current revenue for funding the 9-1-1 grant program. The dollar amount spent on telecommunications grants would decrease to \$1 million and accommodate \$2.6 million for the Next Generation 9-1-1 communication system.

Provide Broadband funding review requirements

Bill Number: [HB 804](#)

Sponsor: Rep. Running Wolf

Outcome: Failed

Historically, tribal consultation for broadband projects has not been prioritized - leading to poor infrastructure, safety issues, and a complete disregard for the tribal perspective. In a 2018 FCC's Broadband Deployment Report, 27.7 percent of tribal populations did not have fixed broadband service available with minimum speed of 25 Mbps/3 Mbps; whereas, only about 1.5 percent of the urban population did not.⁵ If broadband development were to occur within the reservation boundary, HB 804 would make it so tribal consultation is prioritized before the development occurs. The bill included making a request to tribal nations for a tribal resolution stating approval and support for any funding application for broadband development for projects that reside within the exterior borders of a federally recognized Indian reservation located in the state.

Exempt federally recognized tribal members from vehicle registration fees

Bill Number: [HB 882](#)

Sponsor: Rep. Windy Boy

Outcome: Failed

The provisions of this bill would have exempted a member of a federally recognized tribal nation located within the boundaries of Montana from vehicle registration fees. Currently, only tribal citizens living on their reservation of enrollment are exempt from vehicle registration fees.

Provide tribal property tax exemption to tribal members

Bill Number: [SB 119](#)

Sponsor: Sen. Webber

Outcome: Failed

Currently, Montana has a 5-year property tax exemption for land located within the boundaries of the reservation that is in the process of being converted from fee to tribal trust status. This exemption is only available to property held by a federally recognized tribal nation. SB 119 would have allowed tribally enrolled property owners to access this exemption.

Require Montana to provide funding for PL280 enforcement

Bill Number: [SB 127](#)

Sponsor: Sen. Hertz

Outcome: Failed

Proposed Appropriation: \$5.8 million⁶

This bill looked to appropriate funds to the Department of Justice in an amount that would be mutually agreed upon by the state and Lake County. The Department of Justice would reimburse Lake County for law enforcement services on the Flathead Indian Reservation. In the 1960s, Lake County, the state, and the Confederated Salish and Kootenai Tribes (CSKT) entered a PL 280 agreement outlining that the county

would provide law enforcement on the reservation. While SB 127 died in committee, [HB 479](#) also looked to provide an appropriation for Lake County and was sent to the governor's desk. However, the bill was vetoed. Most members of the Montana American Indian Caucus voted against this funding.

A resolution urging congress to fully fund law enforcement in Indian Country

Bill Number: [SJ 5](#)

Sponsor: Sen. Brown

Outcome: Passed

This resolution urges the United States Congress to fully fund public safety and law enforcement agencies, programs, services, and activities within the tribal nations of Montana. The resolution invites tribal nations in Montana to submit their own resolutions and send them as a package to Congress.

Education

Throughout this session, American Indian representatives brought many bills involving Indian education to the forefront of conversations. These took a wide array of shapes, from increasing access to higher education to improving education in public schools. Conversations about implementing content in schools about the unique and distinct cultural heritage of American Indians are not a new development for Montana. As early as 1972, many tribal citizens traveled to Helena to testify at the Montana Constitutional Convention. Article X of the Montana Constitution was codified thanks to their efforts.⁷ Roughly 25 years later, legislators would pass Indian Education for All (EIFA) that mandates every Montanan be encouraged to learn about the distinct and unique heritage of American Indians.⁸

Historically, the United States utilized school systems to implement an assimilation policy. School systems were used as a tool to impose Western religious beliefs, language, and European lifestyles on American Indians.⁹ Now many tribal nations are working to actively counter colonial policies' harmful and lasting effects by implementing policies that support Indigenous students in the classroom.

For more on Education in Indian Country, see MBPC's policy basics reports on:

[Tribal Colleges and Their Contributions to Montana](#)

Revise laws related to tuition waivers for American Indian Students

Bill Number: [HB 288](#)

Sponsor: Rep. Windy Boy

Outcome: Failed

This bill would have increased access to higher education by allowing both members and descendants of federally recognized Montana tribes to apply for Tuition Waivers for college.

Revise laws related to Indian Education for All

Bill Number: [HB 338](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

HB 338 revises Indian Education for All by requiring the Board of Education and the Superintendent of Public Instruction to incorporate the unique cultural heritage of Montana American Indians into content standards with involvement from tribal nations. It also improves reporting requirements for Indian Education for All funds.

Revise the tribal computer programming scholarship program

Bill Number: [HB 346](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

Appropriation: \$96,000¹⁰

The Tribal Computer Programming Program was created to develop and improve tribal high school computer programming courses. It allocates scholarships for school teachers on reservations to develop their education in computer programming. This bill is a revision that expands the requirements for applicants to include elementary and middle school teachers and shifts administration to the Department of Labor & Industry rather than the Office of Public Instruction.

Require examination of the creation of state-tribal education accord schools

Bill Number: [HB 394](#)

Sponsor: Rep. Windy Boy

Outcome: Failed

HB 394 would have established a collaborative environment between states and tribal nations to explore creating state-tribal education accord schools. An accord school created through this study would aim to develop the educational potential of American Indian children and further work to preserve American Indian cultural integrity.

Improve school district consultation with American Indian Tribes

Bill Number: [HB 395](#)

Sponsor: Rep. Windy Boy

Outcome: Failed

The goal of having open communication between the tribal nations and schools is to support the long-term success of American Indian students through the state's commitment to preserving American Indian cultural integrity under the Montana Constitution. HB 395 would have ensured that public schools with at least 50 percent American Indian student enrollment consult tribal nations on the district's educational programs and activities.

Health

The federal government has a trust responsibility to tribal nations to provide health care to American Indians that stems from early treaties. Between 1778 and 1871, the United States negotiated over 400 treaties with American Indian tribal nations. These treaties were based on the fundamental idea that each tribal nation is independent with its own rights to self-determination and self-rule. Tribal nations ceded control of billions of acres of their homelands for compensation that often included medical services. The legislature passing the Community Health Aide Program (CHAP) and Medicaid expansion has the potential to address health care disparities that many American Indians face.

Congress created the Indian Health Service (IHS) in 1955. Roughly 20 years later, Congress would pass the Indian Health Care Improvement Act (IHCA) that gave legal authority for providing health care to American Indians and Alaska Natives. Primarily it amended the Social Security Act to allow reimbursement by Medicaid and Medicare for services provided to American Indians in IHS or tribal healthcare facilities.

Despite the federal government's trust responsibility, IHS is chronically underfunded and underserves many rural areas. In 2016, the federal government paid approximately \$10,348 per person for Medicare and Medicaid, while the amount spent per person through IHS in 2017 was \$3,851.¹¹ To help remedy this, IHS established CHAP to increase access to quality health care in rural communities. However, these require approval from the legislature despite having external funding.¹²

For more on Healthcare in Indian Country, see MBPC's policy basics reports:

[Community Health Aide Program: Frequently Asked Questions](#) and [Medicaid Expansion in Indian Country: Improving Health of Individuals Communities](#).

Create sexual assault response network program and committee

Bill Number: [HB 79](#)

Sponsor: Rep. Regier

Outcome: Passed

Appropriations: \$280,038¹³

Over half of Indigenous women report sexual violence at some point in their lifetime, and many have difficulties accessing medical and legal support.¹⁴ HB 79 supports Montana's sexual assault response network and increases the availability of specialized nurse examiner training throughout the state, especially in rural communities.

Extend sunset date for community health aide program

Bill Number: [HB 582](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

HB 582 extends the sunset date for Community Health Aide Program (CHAP), which was passed last session, and has not been implemented yet. CHAP is a federal program which requires state approval. The program, which would increase health care capacity in Indian Country, is still unfunded at a federal level.

Implement rates from provider rate study

Bill Number: [HB 649](#)

Sponsor: Rep. Caferro

Outcome: Failed

Proposed Appropriation: \$5 Million¹⁵

Over the interim, the Montana legislature studied how much funding is necessary to increase Medicaid reimbursement rates closer to the actual cost of care. While the legislature made increases in Medicaid provider rates through HB 2, the budget still falls \$19.8 million short of the study's recommendations.¹⁶ HB 649, would have fully funded the study's recommendations.

Provide funding for behavioral health system for future generations

Bill Number: [HB 872](#)

Sponsor: Rep. Keenan

Outcome: Passed

Appropriated: \$300 Million¹⁷

HB 872 allocates a \$300 million fund for Montana's behavioral health system and establishes the Behavioral Health System for Future Generations Commission. There are no details on what the funds will be used. The new legislative commission will direct the spending, meaning public input on how to best invest in behavioral health in Indian Country will be essential.

Require implementation of Medicaid community engagement requirements

Bill Number: [SB 465](#)

Sponsor: Sen. Trebas

Outcome: Failed

Proposed Appropriation: \$1.1 Billion¹⁸

SB 465 would have required the state to implement work requirements and terminate Medicaid expansion if they were not approved by the federal government.

Resolution urging federal action to implement community health aide program

Bill Number: [HR 9](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

Because the federal government has yet to provide funding for CHAP, HR 9 urges Congress to fully fund CHAP and establish a national certification board to allow for the certification of providers in tribal communities.

Language

Tribal languages are disappearing because of past federal policies and practices. Historically, many people held the idea that tribal languages hindered American Indian assimilation. This led to policies that banned tribal languages in school settings, contributing to language loss today. Of the 300 tribal languages once spoken in the United States, only 175 remain. Montana is home to 12 of these languages. In 2013 the Montana Legislature established the Montana Indian Language Preservation Program (MILP). Despite its success, MILP has continued to be funded as a ongoing appropriation for the 2025 legislative session.¹⁹ Along with fighting the permanent loss of culturally significant languages, American Indian students benefit from including their languages in the classrooms. Studies show that when tribal languages are implemented in the curriculum, American Indian students have improved academic success, increased self-esteem and self-worth, a greater sense of cultural identity and belonging, and strengthened relationships.²⁰

For more on Education in Indian Country, see MBPC's policy basics reports on:

[Tribal Language Preservation](#)

Revise laws related to Indian Language Preservation

Bill Number: [HB 287](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

HB 287 revises the Montana Indian Language Preservation Program (MILP) to emphasize the importance of partnership between tribal nations and schools when implementing language curricula. It also clarifies the reporting requirements for all parties involved to help them better reach their goals of multigenerational fluency. The legislature maintained funding for MILP in the state budget at \$1.5 million for the 2025 Biennium.²¹

Missing and Murdered Indigenous People

During the past two legislative sessions, representatives across Indian County have listened to their community's concerns and have sponsored bills in an effort to halt the Murdered and Missing Persons epidemic. Indigenous Montanans disproportionately account for missing person cases in Montana. Of the top 10 counties in Montana with missing persons per capita, three included reservations.²² According to a September 2020 report from the Montana Department of Justice, indigenous people account for 26 percent of missing person cases in Montana while only representing 6.4 percent of the population.²³ The

2023 Legislature passed the following proposals to address the Missing and Murdered Indigenous People (MMIP) crisis.

Establish missing persons response team training grant program

Bill Number: [HB 18](#)

Sponsor: Rep. Running Wolf

Outcome: Passed

Appropriation: \$61,000²⁴

HB 18 will build capacity among communities to respond to missing person cases. The grant will establish a program to help fund training opportunities for community-based missing persons response teams.

Revise and extend Missing Indigenous Persons Task Force

Bill Number: [HB 163](#)

Sponsor: Rep. Running Wolf

Outcome: Passed

Appropriations: \$210,162²⁵

HB 163 reauthorizes the Missing & Murdered Indigenous Person (MMIP) Task Force and Looping in Native Communities (LINC) Grant Program response efforts. New to the MMIP bill is an appropriation to the Department of Justice for the purposes of filling 1.0 FTE to coordinate and manage the administration of the MMIP Task Force in and perform duties related to other missing persons programs at the department.

Request interim study on missing youth

Bill Number: [HJ 1](#)

Sponsor: Rep. Sheldon-Galloway

Outcome: Passed

HJ 1 requests a study on missing youth during the interim. In Montana, 80 percent of all missing people are under 18. This study secures collaboration with several state agencies, including the MMIP Task Force. The study aims for researchers to identify why youth are reported missing and what can be done to reduce those numbers.

Other

The miscellaneous bills in this section are stand-out bills that hold historical significance to the lives of many American Indians across Montana. All bills in this section came at no expense to the general fund but are great wins across Indian Country for what they represent. It also reveals where learning opportunities could have been taken to further state-tribal relations but were otherwise turned down.

Provide for Montana Indian Child Welfare Act

Bill Number: [HB 317](#)

Sponsor: Rep. Windy Boy

Outcome: Passed

The Montana Indian Child Welfare Act (MICWA) provides enhanced protections for American Indian children and codifies the federal Indian Child Welfare Act principles into state law. HB 317 is to sunset in 2025, so reauthorization is needed to continue the act. This bill's creation came after concerns that the Supreme Court of the United States (SCOTUS) might strike down ICWA protections in the case *Brackeen v. Haaland*. But in June 2023, SCOTUS upheld ICWA protections 7-2.

A resolution recognizing the Vatican's repudiation of the Doctrine of Discovery

Bill Number: [HR 10](#)

Sponsor: Rep. Windy Boy

Outcome: Failed

The Vatican recently and formally repudiated (rejected) the “concepts that fail to recognize the inherent human rights of indigenous peoples, including what has become known as the legal and political ‘Doctrine of Discovery.’” The Vatican is essentially rejecting a long-held Eurocentric principle, which colonial powers have manipulated and used to justify the taking of lands inhabited by many generations of Indigenous peoples. HR 10 would have created a resolution from the House of Representatives recognizing and expressing gratitude for the open disapproval of the doctrine.

Interim study for recognition of the Turtle Mountain Indians

Bill Number: [HJ 37](#)

Sponsor: Rep. Smith

Outcome: Failed

HJ 37 is a joint resolution of the Senate and House requesting an interim study on providing state recognition of the Turtle Mountain Band of Chippewa Indians. More than 2,000 Montanans are enrolled members of the Turtle Mountain Band of Chippewa Indians with tribal headquarters in Belcourt, North Dakota. The 1904 Davis Agreement resulted in the displacement of most Turtle Mountain Indians, with many relocating to Montana to live on off-reservation allotments. This bill would examine the history and current circumstances of these tribal citizens and investigate the impacts of providing state recognition of Montana members of the Turtle Mountain Band of Chippewa Indians.

Establish the Chief Earl Old Person Memorial highway

Bill Number: [SB 120](#)

Sponsor: Sen. Webber

Outcome: Passed

Earl Old Person was elected to his first term as a tribal council member in 1954. He became chief of the Blackfeet Nation in 1978 and served as chairman for 34 years. Earl Old Person delivered the first State of the Tribes address to the Montana Legislature in 1993. He passed away in 2021 and was the longest-serving elected tribal leader in the nation. The memorial highway location is set to be on U.S. Highway 89 from its intersection with Border Road to its intersection with U.S. Highway 2.

Create Indigenous People’s Day

Bill Number: [SB 141](#)

Sponsor: Sen. Morigeau

Outcome: Failed

SB 141 would replace Columbus Day (the second Monday in October) with Indigenous Peoples Day.

Enhance legislative understanding of state-tribal relations

Bill Number: [SB 233](#)

Sponsor: Sen. Morigeau

Outcome: Failed

Montana is home to twelve tribal nations and seven reservations. SB 233 would have promoted the education of legislators in state-tribal politics to help them better represent all Montanans.

A joint resolution to recognize the Indigenous Boarding School experience

Bill Number: [SJ 6](#)

Sponsor: Sen. Webber

Outcome: Passed

In the early 1800s, the "Civilization Fund Act" was enacted to assimilate American Indians by forcing them to attend boarding schools. Those who returned home often dealt with surviving horrific traumas. SJ 6 is a joint resolution recognizing the past harms inflicted by the U.S. on American Indian communities, survivors, and those who lost their lives to assimilation policies

¹ Center on Budget and Policy Priorities, "[Policy Basics: Where Do Our State Tax Dollars Go?](#)", July 25, 2018.

² Reksten, L., House of Representatives, [comment on HB 701](#), House Floor Session, Apr. 27, 2021.

³ Department of Commerce, "[Economic Contributions of Reservations to the State of Montana, 2003-2009.](#)"

⁴ Governor's Office of Budget and Program Planning, [Fiscal Note, HB 0019](#), May 2023.

⁵ GAO Highlights, [BROADBAND: Observations on Past and Ongoing Efforts to Expand Access and Improve Mapping Data](#), June 2020.

⁶ Governor's Office of Budget and Program Planning, [Fiscal Note SB 0127](#), June 2023.

⁷ Native American Rights Fund, [Montana Indian Education For All \(Yellow Kidney v. MONTANA\)](#), accessed April 2023.

⁸ Office of Public Instruction, [Indian Education For All](#), accessed April 2023.

⁹ Montana State Library, [Native American Boarding Schools in Montana](#), accessed May 2023.

¹⁰ Governor's Office of Budget and Program Planning, [Fiscal Note HB 0346](#), May 2023.

¹¹ Parrish, P., "[Medicaid Expansion in Indian Country: Improving the Health of Individuals and Communities](#)", Montana Budget and Policy Center, Nov. 2018.

¹² Parrish, P., "[Community Health Aide Program: Frequently Asked Questions](#)", Montana Budget and Policy Center, Dec. 2019.

¹³ Governor's Office of Budget and Program Planning, [Fiscal Note HB 0079](#), June 2023.

¹⁴ National Indigenous Women's Resource Center, "[Sexual Violence Awareness](#)", accessed May 2023

¹⁵ Governor's Office of Budget and Program Planning, [Fiscal Note HB 0649](#), June 2023.

¹⁶ Montana Budget and Policy calculations, on file with author.

¹⁷ Governor's Office of Budget and Program Planning, [Fiscal Note HB 0872](#), April 2023.

¹⁸ Governor's Office of Budget and Program Planning, [Fiscal Note SB 0465](#), March 2023.

¹⁹ Legal Fiscal Division, [HB 2 Narrative 2025 Biennium](#), May 2023.

²⁰ Parrish P., "[Tribal Language Preservation Strengthens Communities But Needs Consistent Funding](#)", Montana Budget & Policy Center, Dec. 2020.

²¹ Legal Fiscal Division, "[HB 2 Narratives 2025 Biennium Section E](#)", accessed May 2023.

²² Montana Department of Justice, [Data Analysis of Missing Persons](#), Feb. 2022.

²³ Montana Department of Justice, "[Looping in Native Communities: A report on efforts to improve reporting and reduce missing Indigenous persons Montana](#)", Sept. 2020.

²⁴ Montana 68th Legislature, "[Establish Missing Persons Response Training Grant Program](#)," HB 18, enacted April 19, 2023.

²⁵ Governor's Office of Budget and Program Planning, [Fiscal Note HB 0163](#), April 2023.