HOUSE BILL NO. 38

INTRODUCED BY S. FYANT

BY REQUEST OF THE STATE TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE LOCAL INDIGENOUS NETWORK AND COORDINATION GRANT PROGRAM; PROVIDING A COMPETITIVE GRANT TO SUPPORT TRIBAL EFFORTS TO RESPOND TO MISSING AND MURDERED INDIGENOUS PERSONS; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 44-2-411, MCA; REPEALING SECTIONS 44-2-412 AND 44-2-413, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. Local indigenous network and coordination grant program -- reporting.** (1) There is a local indigenous network and coordination grant program. The program is established to support tribal and community-led efforts to respond to cases involving missing and murdered indigenous persons, including search and recovery efforts, coordination, training, and community-based support.

(2) The purpose of the program is to:

(a) improve communication, coordination, and networking among tribal governments, tribal organizations, state agencies, local law enforcement, and communities;

(b) address barriers experienced by tribal communities in responding to missing persons cases;

(c) support culturally appropriate, community-driven approaches to missing and murdered indigenous persons response; and

(d) build upon prior efforts associated with the looping in native communities program by supporting locally driven implementation.

(3) The department of justice shall administer the program. The department shall:

(a) consult with the missing and murdered indigenous persons advisory council in administering the program; and

(b) delegate aspects of program administration to the advisory council or other appropriate entities if necessary.

(4) The grant program includes a competitive grant to be awarded to a tribal government, tribal law enforcement agency, tribal organization, or community-based organization serving an indigenous community.

(5) Grant funds may be used for:

(a) search and recovery efforts, including equipment, supplies, logistics, and volunteer coordination;

(b) local indigenous network and coordination efforts, including tools, equipment, and resources that support communication and coordination during cases;

(c) training and preparedness, including search techniques, case coordination, and victim advocacy;

(d) community-based outreach and prevention efforts related to missing and murdered indigenous persons;

(e) improvement of access to information and resources related to missing persons cases, including navigation of existing state and federal systems; and

(f) any other resources, services, or activities that support the purposes in subsection (2).

(6) In awarding grants, the department shall give priority to:

(a) tribal-led initiatives;

(b) rural or resource-limited communities; and

(c) proposals that demonstrate coordination with tribal or local law enforcement.

(7) The department shall, as resources allow, conduct outreach to tribal governments and eligible applicants to promote awareness of the program and encourage participation.

(8) The department shall:

(a) establish application procedures and timelines;

(b) develop reporting requirements for grant recipients;

(c) ensure that funded activities are culturally appropriate and community-driven; and

(d) develop the application and the criteria to award the grant. The criteria must include:

(i) the extent to which the proposal supports local, community-based response to missing and

murdered indigenous persons cases;

(ii) the degree of tribal involvement or leadership in the proposed activities;

(iii) the applicant's ability to coordinate with tribal governments, law enforcement, and community partners;

(iv) the extent to which the proposal addresses barriers to response in rural or resource-limited areas;

(v) the feasibility of the proposal, including the applicant's ability to carry out the proposed activities;

(vi) the extent to which the proposal supports communication, networking, and coordination across jurisdictions; and

(vii) any other factors the department determines are necessary to ensure that funds are used effectively and consistently with the purposes of this section.

(9) The department shall submit an annual report to the state-tribal relations interim committee in accordance with 5-11-210. The report must include:

(a) the number of grant applications received;

(b) the number and amount of grants awarded;

(c) the types of activities funded;

(d) the geographic distribution of grant recipients;

(e) outreach efforts conducted;

(f) any barriers to participation;

(g) recommendations for improving the program; and

(h) if no grants are awarded during a reporting period, an explanation and steps to improve participation.

(10) The department may use a portion of appropriated funds for administrative costs associated with the program but not to exceed 10% of the total funds appropriated.

(11) The department may adopt rules necessary to implement this section.

(12) For the purposes of this section, "local indigenous network and coordination" means locally driven, tribal and community-based efforts to coordinate, communicate, network, and respond to missing and

murdered indigenous persons cases.

**Section 2.** Section 44-2-411, MCA, is amended to read:

"**44-2-411. (Temporary) Missing and murdered indigenous persons advisory council -- membership -- duties -- reporting.** (1) There is a missing and murdered indigenous persons advisory council. The advisory council is allocated to the department of justice for staffing services and administrative purposes only.

(2) Advisory council members, including the presiding officer, must be appointed by the attorney general or a designee of the attorney general. The advisory council membership must include but is not limited to:

(a) an employee of the department of justice who has expertise in the subject of missing persons;

(b) a representative from each federally recognized Indian tribe in Montana;

(c) a homicide investigator;

(d) a representative from the attorney general's office; and

(e) a representative from the office of public instruction.

(3) While respecting the government-to-government relationship between the state and each tribe, the primary duties of the advisory council are to:

(a) identify jurisdictional barriers between federal, state, local, and tribal law enforcement and community agencies;

(b) work to identify causes that contribute to missing and murdered indigenous persons and make recommendations to federally recognized tribes in the state and applicable federal agencies to reduce cases of missing and murdered indigenous persons;

(c) work to identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers and increase reporting and investigation of missing and murdered indigenous persons; and

(d) ~~administer the looping in native communities network grant program provided for in 44-2-412~~ assist the department of justice as needed with the local indigenous network and coordination grant program established in [section 1].

(4) A vacancy on the advisory council must be filled in the manner of the original appointment.

(5) By July 1 prior to each regular legislative session, the advisory council shall, in accordance with 5-11-210, prepare a written report of findings and recommendations for submission to the state-tribal relations committee provided for in 5-5-229. The report must include the following information:

(a) the number of unique individuals reported to the missing and murdered indigenous persons database;

(b) the number of unique individuals recovered as a result of the missing and murdered indigenous persons database;

~~(c) the number of unique individuals recovered as a result of the looping in native communities network grant program;~~

~~(d)~~ (c) the number of unique individuals searched for and recovered as a result of missing persons response teams;

~~(e)~~ (d) the number of missing persons entries into the missing and murdered indigenous persons database by year;

~~(f)~~ (e) an analysis by year of the characteristics of missing indigenous persons, including but not limited to age, gender, as provided in 1-1-209, child protective services involvement status, foster case status, duration of time missing, and estimated related cause;

~~(g)~~ (f) the number of actively missing indigenous persons by year;

~~(h) a description and the results of any noncompetitive grant awardee activities;~~

~~(i)~~ (g) a description of the activities and progress related to improving interagency communication, cooperation, and collaboration and removing interjurisdictional barriers; and

~~(j)~~ (h) any other information the advisory council members find relevant to the advisory council's mission.

(6) In addition to the recommendations to federally recognized tribes in the state required under subsection (3)(b), the advisory council may make recommendations to federal, state, and local agencies in carrying out the advisory council's duties. (Terminates June 30, 2033--sec. 2, Ch. 624, L. 2023, sec. 3, Ch. 624, L. 2023, sec. 4, Ch. 624, L. 2023.)"

NEW SECTION. **Section 3. Repealer.** The following sections of the Montana Code Annotated are repealed:

44-2-412. Looping in native communities network grant program.

44-2-413. Looping in native communities network state special revenue account.

NEW SECTION. **Section 4. Transfer of funds.** Any money remaining in the looping in native communities state special revenue account established in 44-2-413 must be transferred by June 30, 2027, to the department of justice to carry out the local indigenous network and coordination grant program established in [section 1].

NEW SECTION. **Section 5. Appropriation.** (1) For the biennium beginning July 1, 2027, in each fiscal year there is appropriated $50,000 from the general fund to the department of justice to carry out the local indigenous network and coordination grant program established in [section 1]. Any unencumbered money remaining in the account at the end of a fiscal year must revert to the general fund.

(2) The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.

NEW SECTION. **Section 6. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1].

NEW SECTION. **Section 8. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2027.

(2) [Section 4] and this section are effective on passage and approval.

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