

1 HOUSE BILL NO. 79
2 INTRODUCED BY A. REGIER
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEXUAL ASSAULT RESPONSE NETWORK
6 PROGRAM WITHIN THE DEPARTMENT OF JUSTICE AND A SEXUAL ASSAULT RESPONSE TEAM
7 COMMITTEE AND ASSIGNING DUTIES; REQUIRING THE SEXUAL ASSAULT RESPONSE TEAM
8 COMMITTEE TO ADOPT EDUCATIONAL AND CLINICAL STANDARDS FOR SEXUAL ASSAULT NURSE
9 EXAMINERS; PROVIDING FOR A SEXUAL ASSAULT RESPONSE NETWORK PROGRAM COORDINATOR;
10 ESTABLISHING CERTAIN PAYMENT STANDARDS AND PROCESSES; REQUIRING PERIODIC REVIEW
11 OF THE STANDARDS AND PROCESSES; PROVIDING RULEMAKING AUTHORITY; PROVIDING
12 DEFINITIONS; AMENDING SECTIONS 5-11-222 AND 46-15-405, MCA; AND PROVIDING AN EFFECTIVE
13 DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16

17 NEW SECTION. Section 1. Sexual assault response network program. There is a sexual assault
18 response network program in the department of justice. The program, subject to the availability of appropriated
19 funds, consists of the agents and employees of the department whom the attorney general considers necessary
20 and appropriate, including the sexual assault response network program coordinator provided under [section 6].
21 The program has the duties provided under [section 4].
22

23 NEW SECTION. Section 2. Sexual assault response team committee. (1) There is a sexual
24 assault response team committee in the department of justice.

25 (2) The committee is allocated to the department of justice for administrative purposes only as
26 prescribed in 2-15-121.

27 (3) The committee has the ~~independent and quasi-judicial authority and~~ duties provided for in
28 [section 5]. The provisions of 2-15-124 do not apply.

- 1 (4) Committee members must be appointed by the Montana attorney general.
- 2 (5) Committee members shall serve at the pleasure of the appointing authority and for no longer
- 3 than 4 years without reappointment. Committee membership includes but is not limited to:
- 4 (a) at least one sexual assault nurse examiner;
- 5 (b) ~~a representative from the Montana hospital association~~ HOSPITAL ADMINISTRATOR;
- 6 (c) ~~a representative from the Montana nurses association~~ REGISTERED NURSE OR ADVANCED
- 7 PRACTICE REGISTERED NURSE;
- 8 (d) a telehealth affiliate or provider;
- 9 (e) a representative from a victim service provider or organization;
- 10 (f) a representative from a law enforcement agency;
- 11 (g) a county attorney representative or designee;
- 12 (h) a member from the department of justice forensic sciences division;
- 13 (i) a member from the department of justice state attorney's office;
- 14 (j) a member from the department of justice information technology service desk; ~~and~~
- 15 (k) a representative of the office of state public defender; AND
- 16 (L) A MEMBER WITH A TRIBAL AFFILIATION who has experience working with indigenous survivors.
- 17 (6) Each member is entitled to reimbursement of travel expenses incurred while in performance of
- 18 committee duties by the department of justice as provided for in 2-18-501 through 2-18-503.
- 19 (7) A vacancy must be filled in the same manner as the original appointment.

20

21 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 7], unless the context clearly

22 indicates otherwise, the following definitions apply:

- 23 (1) "Committee" means the sexual assault response team committee established in [section 2].
- 24 (2) "Department" means the department of justice.
- 25 (3) "Program" means the sexual assault response network program established in [section 1].
- 26 (4) "SANE" or "sexual assault nurse examiner" means a registered nurse with education and
- 27 training in conducting forensic examinations of sexual assault victims.
- 28 (5) "SANE program" means a program that meets the requirements prescribed by the department

1 of justice under [section 4].

2 (6) "Sexual assault response team" means a multidisciplinary team of specially trained members of
3 health care, law enforcement, prosecution, and advocacy that work together to provide coordinated health care
4 and advocacy services to victims of sexual assault, while investigating sexual assault cases for the purpose of
5 criminal prosecution.

6 (7) "teleSANE" means the use of audio, video, or other telecommunications technology or media,
7 including audio-only communication, to provide remote, real-time support by an off-site qualified provider to
8 both the on-site nurse and the patient to ensure best practices, proper evidence collection, and a supportive
9 environment.

10
11 **NEW SECTION. Section 4. Sexual assault response network program -- establish -- general**
12 **powers and duties.** (1) The sexual assault response network program established under [section 1] will
13 support efforts to provide uniform sexual assault evidence kit distribution and handling, coordinate a
14 comprehensive, trauma-informed response to survivors of sexual violence, provide discipline-based training
15 and technical assistance for sexual assault responders in accordance with national and state best practices and
16 local laws, and advance access to quality sexual assault forensic examinations and care through teleSANE
17 innovations.

18 (2) The department of justice shall adopt rules to establish:

- 19 (a) minimum standards of sexual assault care;
- 20 (b) minimum standards to operate a SANE program; and
- 21 (c) the operation and designation of SANE programs.

22 (3) The program's powers and duties include but are not limited to:

- 23 (a) coordinating with the sexual assault response team committee;
- 24 (b) conducting ongoing adult, adolescent, and pediatric didactic and clinical sexual assault nurse
25 examiner training for medical professionals;

26 (c) recruiting and organizing sexual assault nurse examiner trainers to increase in-state training
27 capacity;

28 (d) researching teleSANE models and technological solutions to increase access to sexual assault

- 1 forensic examinations and sexual assault nurse examiner care;
- 2 (e) providing quality, accessible sexual assault response training and technical assistance for law
- 3 enforcement, prosecution, victim advocates, and other relevant professionals;
- 4 (f) organizing the development of community sexual assault response teams;
- 5 (g) promoting public education and awareness of sexual violence prevention, available services,
- 6 and care;
- 7 (h) maintaining the statewide sexual assault evidence kit tracking system provided for in 46-15-
- 8 405;
- 9 (i) maintaining the department of justice sexual assault evidence kit hotline; and
- 10 (j) coordinating statewide sexual assault evidence kit inventory, materials, and distribution,
- 11 including making sexual assault evidence kit resources available online.

12 (4) The department of justice may collaborate with other persons, victim service providers, health
13 care facilities, the Montana hospital association, the Montana nurses association, the Montana coalition against
14 domestic and sexual violence, the Montana sheriffs and peace officers association, the Montana association of
15 chiefs of police, the Montana county attorneys' association, law enforcement agencies, and other government
16 agencies to execute its general powers and duties under this section.

17
18 **NEW SECTION. Section 5. Sexual assault response team committee -- rulemaking -- duties.**

19 The sexual assault response team committee established in [section 2] may adopt, ~~amend,~~ and ~~repeal~~ rules
20 necessary for the implementation, continuation, and enforcement of the authority granted in this section. The
21 committee's duties include but are not limited to:

- 22 (1) adopting educational and clinical standards for sexual assault nurse examiners. Standards
- 23 must comply with national training standards for sexual assault medical forensic examiners, national protocol
- 24 for sexual assault medical forensic examinations adult/adolescent and pediatric, guidelines from the
- 25 international association of forensic nurses, and state and local laws.
- 26 (2) adopting and implementing an evidence-based sexual assault nurse examiner training
- 27 curriculum that conforms with national training standards for sexual assault medical forensic examiners,
- 28 national protocol for sexual assault medical forensic examinations adult/adolescent and pediatric, guidelines

1 from the international association of forensic nurses, and state and local laws;

2 (3) adopting and implementing the state of Montana medical sexual assault response guidelines;

3 (4) developing statewide teleSANE partnerships, collaborations with hospital and clinic leadership,

4 and strategies that include interoperability of health care systems, secure health information exchange, and

5 assessment of teleSANE models of care to increase equitable access to quality sexual assault care; ~~and~~

6 (5) identifying and implementing a statewide forensic nurse platform for sexual assault nurse

7 examiners to engage, mentor, share, and network among colleagues; AND

8 (6) ESTABLISHING AND PERIODICALLY REVIEWING PAYMENT AMOUNTS AND PROCESSES FOR THE SEXUAL

9 ASSAULT MEDICAL FORENSIC EXAMINATION IN ACCORDANCE WITH 46-15-411 AND PERIODICALLY REVIEWING

10 STANDARDS AND PAYMENTS FOR FORENSIC EXAMS PERFORMED UNDER THE FORENSIC RAPE EXAMINATION PAYMENT

11 PROGRAM.

12

13 NEW SECTION. Section 6. Sexual assault response network program coordinator -- establish --

14 **general duties.** (1) The department of justice shall employ a sexual assault response network program

15 coordinator.

16 (2) The program coordinator shall administer the powers and duties of the program and committee

17 as provided for in [sections 2 through 5].

18

19 NEW SECTION. Section 7. Report required. The department of justice shall report annually to the

20 law and justice interim committee in accordance with 5-11-210 on the activities of the sexual assault response

21 network program and the sexual assault response team committee under [sections 2 through 5].

22

23 **Section 8.** Section 5-11-222, MCA, is amended to read:

24 **"5-11-222. Reports to legislature.** (1) (a) Except as provided in subsection (1)(b) and (6), a report to

25 the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or

26 before September 1 of each year preceding the convening of a regular session of the legislature.

27 (b) If otherwise specified in law, a report may be required more or less frequently than the biennial

28 requirement in subsection (1)(a).

- 1 (2) Reports to the legislature include:
- 2 (a) annual reports on the unified investment program for public funds and public retirement
- 3 systems and state compensation insurance fund assets audits from the board of investments in accordance
- 4 with Article VIII, section 13 of the Montana constitution;
- 5 (b) federal mandates requirements from the governor in accordance with 2-1-407;
- 6 (c) activities of the state records committee in accordance with 2-6-1108;
- 7 (d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;
- 8 (e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-
- 9 410;
- 10 (f) progress on gender and racial balance from the governor in accordance with 2-15-108;
- 11 (g) a mental health report from the ombudsman in accordance with 2-15-210;
- 12 (h) policies related to children and families from the interagency coordinating council for state
- 13 prevention in accordance with 2-15-225;
- 14 (i) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;
- 15 (j) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board
- 16 in accordance with 2-15-3113;
- 17 (k) the allocation of space report from the department of administration required in accordance
- 18 with 2-17-101;
- 19 (l) information technology activities in accordance with 2-17-512;
- 20 (m) state strategic information technology plan exceptions, if granted, from the department of
- 21 administration in accordance with 2-17-515;
- 22 (n) the state strategic information technology plan and biennial report from the department of
- 23 administration in accordance with 2-17-521 and 2-17-522;
- 24 (o) reports from standing, interim, and administrative committees, if prepared, in accordance with
- 25 2-17-825 and 5-5-216;
- 26 (p) statistical and other data related to business transacted by the courts from the court
- 27 administrator, if requested, in accordance with 3-1-702;
- 28 (q) the judicial standards commission report in accordance with 3-1-1126;

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- 1 (r) an annual report on the actual cost of legislation that had a projected fiscal impact from the
2 office of budget and program planning in accordance with 5-4-208;
- 3 (s) a link to annual state agency reports on grants awarded in the previous fiscal year established
4 by the legislative finance committee in accordance with 5-12-208;
- 5 (t) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in
6 accordance with 5-12-302(4);
- 7 (u) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may
8 impair the independence of the legislative audit division in accordance with 5-13-305;
- 9 (v) if a waste of state resources occurs, a report from the legislative state auditor, in accordance
10 with 5-13-311;
- 11 (w) school funding commission reports each fifth interim in accordance with 5-20-301;
- 12 (x) a report of political committee operations conducted on state-owned property, if required, from
13 a political committee to the legislative services division in accordance with 13-37-404;
- 14 (y) a report concerning taxable value from the department of revenue in accordance with 15-1-
15 205;
- 16 (z) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;
- 17 (aa) semiannual reports on the Montana heritage preservation and development account from the
18 Montana heritage preservation and development commission in accordance with 15-65-121;
- 19 (bb) general marijuana regulation reports from the department of revenue in accordance with 16-12-
20 110;
- 21 (cc) medical marijuana registry reports from the department of revenue in accordance with 16-12-
22 532(3);
- 23 (dd) annual reports on general fund and nongeneral fund encumbrances from the department of
24 administration in accordance with 17-1-102;
- 25 (ee) loans or loan extensions authorized for two consecutive fiscal years from the department of
26 administration and office of commissioner of higher education, including negative cash balances from the
27 commissioner of higher education, in accordance with 17-2-107;
- 28 (ff) a report of local government entities that have balances contrary to limitations provided for in

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- 1 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;
- 2 (gg) an annual report from the board of investments in accordance with 17-5-1650(2);
- 3 (hh) a report on retirement system trust investments and benefits from the board of investments in
- 4 accordance with 17-6-230;
- 5 (ii) recommendations for reductions in spending and related analysis, if required, from the office of
- 6 budget and program planning in accordance with 17-7-140;
- 7 (jj) a statewide facility inventory and condition assessment from the department of administration
- 8 in accordance with 17-7-202;
- 9 (kk) actuary reports and investigations for public retirement systems from the public employees'
- 10 retirement board in accordance with 19-2-405;
- 11 (ll) a work report from the public employees' retirement board in accordance with 19-2-407;
- 12 (mm) annual actuarial reports and evaluations from the teachers' retirement board in accordance with
- 13 19-20-201;
- 14 (nn) reports from the state director of K-12 career and vocational and technical education, as
- 15 requested, in accordance with 20-7-308;
- 16 (oo) 5-year state plan for career and technical education reports from the board of regents in
- 17 accordance with 20-7-330;
- 18 (pp) a gifted and talented students report from the office of public instruction in accordance with 20-
- 19 7-904;
- 20 (qq) status changes for at-risk students from the office of public instruction in accordance with 20-9-
- 21 328;
- 22 (rr) status changes for American Indian students from the office of public instruction in accordance
- 23 with 20-9-330;
- 24 (ss) reports regarding the Montana Indian language preservation program from the office of public
- 25 instruction in accordance with 20-9-537;
- 26 (tt) proposals for funding community colleges from the board of regents in accordance with 20-15-
- 27 309;
- 28 (uu) expenditures and activities of the Montana agricultural experiment station and extension

- 1 service, as requested, in accordance with 20-25-236;
- 2 (vv) reports, if requested by the legislature, from the president of each of the units of the higher
3 education system in accordance with 20-25-305;
- 4 (ww) reports, if prepared by a public postsecondary institution, regarding free expression activities on
5 campus in accordance with 20-25-1506;
- 6 (xx) reports from the Montana historical society trustees in accordance with 22-3-107;
- 7 (yy) state lottery reports in accordance with 23-7-202;
- 8 (zz) a report from the division of banking and financial institutions, if required, from the department
9 of administration in accordance with 32-11-306;
- 10 (aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;
- 11 (bbb) reports from the department of labor and industry in accordance with 39-6-101;
- 12 (ccc) victim unemployment benefits reports from the department of labor and industry in accordance
13 with 39-51-2111;
- 14 (ddd) state fund business reports in accordance with 39-71-2363;
- 15 (eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;
- 16 (fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;
- 17 (ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the
18 governor in accordance with 46-23-316;
- 19 (hhh) annual statewide public defender reports from the office of state public defender in accordance
20 with 47-1-125;
- 21 (iii) a trauma care system report from the department of public health and human services in
22 accordance with 50-6-402;
- 23 (jjj) an older Montanans trust fund report from the department of public health and human services
24 in accordance with 52-3-115;
- 25 (kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;
- 26 (lll) medicaid block grant reports from the department of public health and human services in
27 accordance with 53-1-611;
- 28 (mmm) reports on the approval and implementation status of medicaid section 1115 waivers in

- 1 accordance with 53-2-215;
- 2 (nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
- 3 public health and human services in accordance with 53-6-101;
- 4 (ooo) medicaid funding reports from the department of public health and human services in
- 5 accordance with 53-6-110;
- 6 (ppp) proposals regarding managed care for medicaid recipients, if required, from the department of
- 7 public health and human services in accordance with 53-6-116;
- 8 (qqq) suicide reduction plans from the department of public health and human services in
- 9 accordance with 53-21-1102;
- 10 (rrr) a compliance and inspection report from the department of corrections in accordance with 53-
- 11 30-604;
- 12 (sss) emergency medical services grants from the department of transportation in accordance with
- 13 61-2-109;
- 14 (ttt) annual financial reports on the environmental contingency account from the department of
- 15 environmental quality in accordance with 75-1-1101;
- 16 (uuu) the Flathead basin commission report in accordance with 75-7-304;
- 17 (vvv) a report from the land board, if prepared, in accordance with 76-12-109;
- 18 (www) an annual state trust land report from the land board in accordance with 77-1-223;
- 19 (xxx) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-
- 20 713;
- 21 (yyy) state water plans from the department of natural resources and conservation in accordance
- 22 with 85-1-203;
- 23 (zzz) reports on the allocation of renewable resources grants and loans for emergencies, if required,
- 24 from the department of natural resources and conservation in accordance with 85-1-605;
- 25 (aaaa) water storage projects from the governor's office in accordance with 85-1-704;
- 26 (bbbb) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-
- 27 338;
- 28 (cccc) upland game bird enhancement program reports in accordance with 87-1-250;

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- 1 (dddd) private land/public wildlife advisory committee reports in accordance with 87-1-269;
- 2 (eeee) a future fisheries improvement program report from the department of fish, wildlife, and parks in
- 3 accordance with 87-1-272;
- 4 (ffff) license revenue recommendations from the department of fish, wildlife, and parks in
- 5 accordance with 87-1-629;
- 6 (gggg) land information data reports from the state library in accordance with 90-1-404;
- 7 (hhhh) hydrocarbon and geology investigation reports from the bureau of mines and geology in
- 8 accordance with 90-2-201;
- 9 (iiii) coal ash markets investigation reports from the department of commerce in accordance with
- 10 90-2-202;
- 11 (jjjj) an annual report from the pacific northwest electric power and conservation planning council in
- 12 accordance with 90-4-403;
- 13 (kkkk) community property-assessed capital enhancements program reports from the Montana facility
- 14 finance authority in accordance with 90-4-1303;
- 15 (llll) veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-
- 16 604;
- 17 (mmmm) matching infrastructure planning grant awards by the department of commerce in
- 18 accordance with 90-6-703(3); and
- 19 (nnnn) treasure state endowment program reports from the department of commerce in accordance
- 20 with 90-6-710;
- 21 (3) Reports to the legislature include reports made to an interim committee as follows:
- 22 (a) reports to the law and justice interim committee, including:
- 23 (i) findings of the domestic violence fatality review commission in accordance with 2-15-2017;
- 24 (ii) the report from the missing indigenous persons review commission in accordance with 2-15-
- 25 2018;
- 26 (iii) reports from the department of justice and public safety officer standards and training council in
- 27 accordance with 2-15-2029;
- 28 (iv) information on the Montana False Claims Act from the department of justice in accordance with

- 1 17-8-416;
- 2 (v) annual case status reports from the attorney general in accordance with 41-3-210;
- 3 (vi) office of court administrator reports in accordance with 41-5-2003;
- 4 (vii) the annual report on the activities of the sexual assault response network program and the
- 5 sexual assault response team committee from the department of justice in accordance with [section 7];
- 6 ~~(vii)~~(viii) statewide public safety communications system activities from the department of justice in
- 7 accordance with 44-4-1606;
- 8 ~~(viii)~~(ix) reports on the status of the crisis intervention team training program from the board of crime
- 9 control in accordance with 44-7-110;
- 10 ~~(ix)~~(x) restorative justice grant program status and performance from the board of crime control in
- 11 accordance with 44-7-302;
- 12 ~~(x)~~(xi) reports on offenders under supervision with new offenses or violations from the department of
- 13 corrections in accordance with 46-23-1016;
- 14 ~~(xi)~~(xii) supervision responses grid reports from the department of corrections in accordance with 46-
- 15 23-1028;
- 16 ~~(xii)~~(xiii) statewide public defender reports and information from the office of state public defender in
- 17 accordance with 47-1-125;
- 18 ~~(xiii)~~(xiv) every 5 years, a percentage change in public defender funding report from the legislative
- 19 fiscal analyst in accordance with 47-1-125;
- 20 ~~(xiv)~~(xv) every 5 years, statewide public defender reports on the percentage change in funding from
- 21 the office of state public defender in accordance with 47-1-125; and
- 22 ~~(xv)~~(xvi) a report from the quality assurance unit from the department of corrections in accordance with
- 23 53-1-211;
- 24 (b) reports to the state administration and veterans' affairs interim committee, including:
- 25 (i) a report that includes information technology activities and additional information from the
- 26 information technology board in accordance with 2-17-512 and 2-17-513;
- 27 (ii) a report from the capitol complex advisory council in accordance with 2-17-804;
- 28 (iii) a report on the employee incentive award program from the department of administration in

- 1 accordance with 2-18-1103;
- 2 (iv) a board of veterans' affairs report in accordance with 10-2-102;
- 3 (v) a report on grants to the Montana civil air patrol from the department of military affairs in
- 4 accordance with 10-3-802;
- 5 (vi) annual reports on statewide election security from the secretary of state in accordance with 13-
- 6 1-205;
- 7 (vii) a report regarding the youth voting program, if requested, from the secretary of state in
- 8 accordance with 13-22-108;
- 9 (viii) a report from the commissioner of political practices in accordance with 13-37-120;
- 10 (ix) a report on retirement system trust investments from the board of investments in accordance
- 11 with 17-6-230;
- 12 (x) actuarial valuations and other reports from the public employees' retirement board in
- 13 accordance with 19-2-405 and 19-3-117;
- 14 (xi) actuarial valuations and other reports from the teachers' retirement board in accordance with
- 15 19-20-201 and 19-20-216;
- 16 (xii) a report on the reemployment of retired members of the teachers' retirement system from the
- 17 teachers' retirement board in accordance with 19-20-732; and
- 18 (xiii) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the
- 19 secretary of state in accordance with 30-9A-527;
- 20 (c) reports to the children, families, health, and human services interim committee, including:
- 21 (i) performance data from the department of public health and human services in accordance with
- 22 2-15-2225;
- 23 (ii) quarterly reports on data requirements from the department of public health and human
- 24 services in accordance with 5-12-303;
- 25 (iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 26 (iv) Montana HELP Act workforce development reports from the department of public health and
- 27 human services in accordance with 39-12-103;
- 28 (v) annual reports from the child and family ombudsman in accordance with 41-3-1211;

- 1 (vi) reports on activities and recommendations on child protective services activities, if required,
2 from the child and family ombudsman in accordance with 41-3-1215;
- 3 (vii) reports on the out-of-state placement of high-risk children with multiagency service needs from
4 the department of public health and human services in accordance with 52-2-311;
- 5 (viii) private alternative adolescent residential and outdoor programs reports from the department of
6 public health and human services in accordance with 52-2-803;
- 7 (ix) an annual Montana parents as scholars program report from the department of public health
8 and human services in accordance with 53-4-209;
- 9 (x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
10 public health and human services in accordance with 53-6-101;
- 11 (xi) a report concerning mental health managed care services, if managed care is in place, from the
12 advisory council in accordance with 53-6-710;
- 13 (xii) quarterly medicaid reports related to expansion from the department of public health and
14 human services in accordance with 53-6-1325;
- 15 (xiii) annual Montana developmental center reports from the department of public health and human
16 services in accordance with 53-20-225; and
- 17 (xiv) annual children's mental health outcomes from the department of public health and human
18 services in accordance with 53-21-508;
- 19 (xv) suicide reduction plans from the department of public health and human services in
20 accordance with 53-21-1102;
- 21 (d) reports to the economic affairs interim committee, including:
- 22 (i) the annual state compensation insurance fund budget from the board of directors in
23 accordance with 5-5-223 and 39-71-2363;
- 24 (ii) general marijuana regulation reports from the department of revenue in accordance with 16-12-
25 110(3);
- 26 (iii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
27 532(3);
- 28 (iv) annual reports on complaints against physicians certifying medical marijuana use from the

- 1 board of medical examiners in accordance with 16-12-532(4);
- 2 (v) an annual report on the administrative rate required from the department of commerce from the
- 3 Montana heritage preservation and development commission in accordance with 22-3-1002;
- 4 (vi) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;
- 5 (vii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-
- 6 71-2375;
- 7 (viii) annual reinsurance reports from the Montana reinsurance association board required in
- 8 accordance with 33-22-1308;
- 9 (ix) reports from the department of labor and industry concerning board attendance in accordance
- 10 with 37-1-107;
- 11 (x) annual reports on physician complaints related to medical marijuana from the board of medical
- 12 examiners in accordance with 37-3-203;
- 13 (xi) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 14 (xii) status reports on the special revenue account and fees charged as a funding source from the
- 15 board of funeral service in accordance with 37-19-204;
- 16 (xiii) unemployment insurance program integrity act reports from the department of labor and
- 17 industry in accordance with 39-15-706;
- 18 (xiv) status reports on the distressed wood products industry revolving loan program from the
- 19 department of commerce in accordance with 90-1-503;
- 20 (e) reports to the education interim committee, including:
- 21 (i) reemployment of retired teachers, specialists, and administrators reports from the retirement
- 22 board in accordance with 19-20-732;
- 23 (ii) a report on participation in the interstate compact on educational opportunity for military
- 24 children in accordance with 20-1-231;
- 25 (iii) grow your own grant program reports from the commissioner of higher education in accordance
- 26 with 20-4-601;
- 27 (iv) standards of accreditation proposals and economic impact statements from the board of public
- 28 education in accordance with 20-7-101;

Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Judiciary

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68th Legislature 2023

Drafter: Madelyn Krezowski, (406) 444-6857

HB0079.003.005

- 1 (v) advanced opportunity program reports from the board of public education in accordance with
2 20-7-1506;
- 3 (vi) progress on transformational learning plans from the board of public education in accordance
4 with 20-7-1602;
- 5 (vii) budget amendments, if needed, from school districts in accordance with 20-9-161;
- 6 (viii) annual Montana resident student financial aid program reports from the commissioner of higher
7 education in accordance with 20-26-105;
- 8 (ix) a historic preservation office report from the historic preservation officer in accordance with 22-
9 3-423; and
- 10 (x) interdisciplinary child information agreement reports from the office of public instruction in
11 accordance with 52-2-211;
- 12 (f) reports to the energy and telecommunications interim committee, including:
- 13 (i) the high-performance building report from the department of administration in accordance with
14 17-7-214;
- 15 (ii) an annual report from the consumer counsel in accordance with 69-1-222;
- 16 (iii) annual universal system benefits reports from utilities, electric cooperatives, and the
17 department of revenue in accordance with 69-8-402;
- 18 (iv) small-scale hydroelectric power generation reports from the department of natural resources
19 and conservation in accordance with 85-1-501; and
- 20 (v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-
21 1301;
- 22 (g) reports to the revenue interim committee, including:
- 23 (i) use of the qualified endowment tax credit report from the department of revenue in accordance
24 with 15-1-230;
- 25 (ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with
26 15-7-111;
- 27 (iii) gray water property tax abatement usage reports from the department of revenue in
28 accordance with 15-24-3211;

- 1 (iv) information about job growth incentive tax credits from the department of revenue in
- 2 accordance with 15-30-2361;
- 3 (v) student scholarship contributions from the department of revenue in accordance with 15-30-
- 4 3112;
- 5 (vi) tax havens from the department of revenue in accordance with 15-31-322;
- 6 (vii) media production tax credit economic impact reports from the department of commerce in
- 7 accordance with 15-31-1011;
- 8 (viii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
- 9 532(5);
- 10 (ix) complaints against physicians certifying use of medical marijuana from the board of medical
- 11 examiners in accordance with 16-12-532(5); and
- 12 (x) reports that actual or projected receipts will result in less revenue than estimated from the office
- 13 of budget and program planning, if necessary, in accordance with 17-7-140;
- 14 (h) reports to the transportation interim committee, including:
- 15 (i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;
- 16 (ii) cooperative agreement negotiations from the department of transportation in accordance with
- 17 15-70-450;
- 18 (iii) an annual alternative project delivery contracting report from the department of transportation in
- 19 accordance with 60-2-119; and
- 20 (iv) a special fuels inspection report from the department of transportation in accordance with 61-
- 21 10-154;
- 22 (i) reports to the environmental quality council, including:
- 23 (i) compliance and enforcement reports required in accordance with 75-1-314;
- 24 (ii) the state solid waste management and resource recovery plan, every 5 years, from the
- 25 department of environmental quality in accordance with 75-10-111;
- 26 (iii) annual orphan share reports from the department of environmental quality in accordance with
- 27 75-10-743;
- 28 (iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

- 1 (v) annual subdivision sanitation reports from the department of environmental quality in
2 accordance with 76-4-116;
- 3 (vi) state trust land accessibility reports from the department of natural resources and conservation
4 in accordance with 77-1-820;
- 5 (vii) biennial land banking reports and annual state land cabin and home site sales reports from the
6 department of natural resources and conservation in accordance with 77-2-366;
- 7 (viii) biennially invasive species reports from the departments of fish, wildlife, and parks and natural
8 resources and conservation in accordance with 80-7-1006;
- 9 (ix) annual upper Columbia conservation commission reports in accordance with 80-7-1026;
- 10 (x) annual invasive species council reports in accordance with 80-7-1203;
- 11 (xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;
- 12 (xii) annual sage grouse population reports from the department of fish, wildlife, and parks in
13 accordance with 87-1-201;
- 14 (xiii) annual gray wolf management reports from the department of fish, wildlife, and parks in
15 accordance with 87-1-901;
- 16 (xiv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in
17 accordance with 87-2-702;
- 18 (xv) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in
19 accordance with 87-5-807; and
- 20 (xvi) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;
- 21 (j) reports to the water policy interim committee, including:
- 22 (i) drought and water supply advisory committee reports in accordance with 2-15-3308;
- 23 (ii) total maximum daily load reports from the department of environmental quality in accordance
24 with 75-5-703;
- 25 (iii) state water plans from the department of natural resources and conservation in accordance
26 with 85-1-203;
- 27 (iv) small-scale hydroelectric power generation reports from the department of natural resources
28 and conservation in accordance with 85-1-501;

- 1 (v) renewable resource grant and loan program reports from the department of natural resources
2 and conservation in accordance with 85-1-621;
- 3 (vi) quarterly adjudication reports from the department of natural resources and conservation and
4 the water court in accordance with 85-2-281;
- 5 (vii) water reservation reports from the department of natural resources and conservation in
6 accordance with 85-2-316;
- 7 (viii) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-
8 436; and
- 9 (ix) ground water investigation program reports from the bureau of mines and geology in
10 accordance with 85-2-525;
- 11 (k) reports to the local government interim committee, including:
- 12 (i) sand and gravel, if an investigation is completed, in accordance with 82-2-701;
- 13 (ii) assistance to local governments on federal land management proposals from the department
14 of commerce in accordance with 90-1-182; and
- 15 (iii) emergency financial assistance to local government reports from the department of commerce,
16 if requests are made, in accordance with 90-6-703(2);
- 17 (l) reports to the state-tribal relations committee, including:
- 18 (i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;
- 19 (ii) the Montana Indian language preservation program report from the state-tribal economic
20 development commission in accordance with 20-9-537;
- 21 (iii) reports from the missing indigenous persons task force in accordance with 44-2-411
- 22 (iv) a decennial economic contributions and impacts of Indian reservations report from the
23 department of commerce in accordance with 90-1-105;
- 24 (v) state-tribal economic development commission activities reports from the state-tribal economic
25 development commission in accordance with 90-1-132; and
- 26 (vi) state-tribal economic development commission reports provided regularly by the state director
27 of Indian affairs in accordance with 90-11-102.
- 28 (4) (a) Except as provided in subsections (4)(b) and (6) and unless otherwise required by law, a

1 report made to the legislature in accordance with subsection (3) may be provided orally before September 1 of
2 each year preceding the convening of a regular session of the legislature and in accordance with 5-11-
3 210(1)(b).

4 (b) After receiving an oral report, an interim or administrative committee responsible for receiving
5 the report may request a written report be filed with the legislature in accordance with 5-11-210(1)(a).

6 (c) This section may not be interpreted to preclude an interim or administrative committee from
7 requesting additional information.

8 (5) Reports to the legislature include multistate compact and agreement reports including:

9 (a) multistate tax compact reports in accordance with 15-1-601;

10 (b) interstate compact on educational opportunity for military children reports in accordance with
11 20-1-230 and 20-1-231;

12 (c) compact for education reports in accordance with 20-2-501;

13 (d) Western regional higher education compact reports in accordance with 20-25-801;

14 (e) interstate insurance product regulation compact reports in accordance with 33-39-101;

15 (f) interstate medical licensure compact reports in accordance with 37-3-356;

16 (g) interstate compact on juveniles reports in accordance with 41-6-101;

17 (h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;

18 (i) vehicle equipment safety compact reports in accordance with 61-2-201;

19 (j) multistate highway transportation agreement reports in accordance with 61-10-1101; and

20 (k) western interstate nuclear compact reports in accordance with 90-5-201.

21 (6) Reports, transfers, statements, assessments, recommendations and changes required under
22 17-7-138, 17-7-139, 17-7-140, 19-2-405, 19-2-407, 19-3-117, 19-20-201, 19-20-216, 20-7-101, 23-7-202, 33-1-
23 115, and 39-71-2375 must be provided as soon as the report is published and publicly available. Reports
24 required in subsections (2)(a), (2)(gg), (2)(hh), and (3)(b)(ix) must be provided following issuance of reports
25 issued under Title 5, chapter 13."

26

27 **Section 9.** Section 46-15-405, MCA, is amended to read:

28 **"46-15-405. Statewide sexual assault evidence kit tracking system -- rulemaking.** (1) The sexual

1 assault response network program within the department of justice shall create, operate, and maintain a
2 statewide sexual assault evidence kit tracking system. The tracking system must:

3 (a) track the status of a sexual assault evidence kit from the collection site through the criminal
4 justice process, including the initial collection at a health care facility, inventory and storage by law enforcement
5 agencies, analysis at a crime laboratory, and storage or destruction after completion of analysis;

6 (b) allow law enforcement agencies, health care facilities, a crime laboratory, and other entities
7 that receive, maintain, store, or preserve sexual assault evidence kits to update the status and location of the
8 kits; and

9 (c) allow an individual to anonymously access the tracking system to track the location and status
10 of the individual's sexual assault evidence kit.

11 (2) The department of justice shall adopt rules for developing and using the sexual assault
12 evidence kit tracking system. Law enforcement agencies, health care facilities, and crime laboratories shall use
13 the tracking system as provided in the rules.

14 (3) Information contained in the sexual assault evidence kit tracking system is confidential and not
15 subject to public disclosure."

16
17 NEW SECTION. SECTION 10. NOTIFICATION TO TRIBAL GOVERNMENTS. THE SECRETARY OF STATE SHALL
18 SEND A COPY OF [THIS ACT] TO EACH FEDERALLY RECOGNIZED TRIBAL GOVERNMENT IN MONTANA.

19
20 NEW SECTION. Section 11. Codification instruction. (1) [Sections 1 and 2] are intended to be
21 codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, apply to
22 [sections 1 and 2].

23 (2) [Sections 3 through 7] are intended to be codified as a new part in Title 44, chapter 4, and the
24 provisions of Title 44, chapter 4, apply to [sections 3 through 7].

25
26 NEW SECTION. Section 12. Effective date. [This act] is effective July 1, 2023.

27 - END -