

Amendment - 1st Reading-white - (H) Appropriations

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0916.001.004

1 HOUSE BILL NO. 916
2 INTRODUCED BY B. MERCER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL
5 APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF
6 CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC
7 DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE;
8 PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR;
9 PROVIDING FOR LEGISLATIVE INTENT; EXTENDING THE TERMINATION DATE OF PUBLIC SAFETY
10 OFFICER STANDARDS AND TRAINING AND ITS REPORTING REQUIREMENTS; ~~EXPANDING ELIGIBLE~~
11 ~~USES OF THE PETROLEUM TANK RELEASE CLEANUP FUND~~; ESTABLISHING REPORTING
12 REQUIREMENTS; ~~AMENDING SECTION 75-11-313, MCA~~; AMENDING SECTION 23, CHAPTER 456, LAWS
13 OF 2019, AND SECTION 19, CHAPTER 566, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE ~~AND~~
14 ~~A TERMINATION DATE~~."

15
16 WHEREAS, the 68th Legislature has funded new programs in Section D entities and enacted new
17 statutes, both of which will impact governmental operations. The Legislature has an interest in monitoring the
18 implementation of the programs and whether they are effective; and

19 WHEREAS, the work of the judicial branch, law enforcement, and justice budget committee in 2021
20 and 2022 and the 68th Legislature has generated interest in a number of subjects that require ongoing data
21 gathering and analysis to perform oversight regarding the administration of justice.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24
25 NEW SECTION. **Section 1. Reporting requirement for agencies whose budgets are considered**
26 **by subcommittee of committee on appropriations for judicial branch, law enforcement, and justice.** No
27 later than September 1, 2023, each agency that reports to the judicial branch, law enforcement, and justice joint
28 subcommittee shall report to the judicial branch, law enforcement, and justice budget committee on their



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1 completed the treatment court program.

2 (3) Throughout the 2025 biennium, the office of court administrator shall provide to the law and
3 justice interim committee and the judicial branch, law enforcement, and justice budget committee the reports
4 the office of court administrator is required to provide to the office of state public defender pursuant to 46-8-
5 113(2)(a).

6 (4) Each quarter of the 2025 biennium, the office of the court administrator shall report to the law
7 and justice interim committee and the judicial branch, law enforcement, and justice budget committee on the
8 number of program participants in the pretrial program and related costs.

9
10 **NEW SECTION. Section 6. Budget submission.** When submitting the budget for the 2027
11 biennium, the department of corrections shall submit a line-item budget to the second level of detail for each of
12 the state-owned correctional facilities under its supervision.

13
14 **NEW SECTION. Section 7. Staffing at department of corrections.** Beginning July 1, 2023, and
15 each quarter of the 2025 biennium, the department of corrections shall submit to the law and justice interim
16 committee and the judicial branch, law enforcement, and justice budget committee the following information for
17 staffing at the state-owned correctional facilities under its supervision:

- 18 (1) a list of all job classifications at each institution by job title;
19 (2) the number of FTE assigned to each job classification;
20 (3) the number of state employees employed in each job classification;
21 (4) the number of contract or traveling staff employed in each job classification;
22 (5) the number of positions in each job classification that are not filled by either a state employee
23 or contract staff and therefore are truly vacant positions;
24 (6) the total number of new hires and terminations in each job classification; and
25 (7) a narrative explaining how the department conducted recruitment efforts to fill vacant positions
26 at each correctional facility.

27
28 ~~Section 6. Section 75-11-313, MCA, is amended to read:~~

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1 ~~"75-11-313.—Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup~~
2 ~~fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by~~
3 ~~the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under~~
4 ~~subsections (3)(c) and (3)(d) through (3)(e). Administrative costs under subsections (3)(a) and (3)(b) must be~~
5 ~~paid pursuant to a legislative appropriation.~~

6 ~~(2) — There is deposited in the fund:~~

7 ~~(a) — all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;~~

8 ~~(b) — money received by the board in the form of gifts, grants, reimbursements, or appropriations,~~
9 ~~from any source, intended to be used for the purposes of this fund;~~

10 ~~(c) — money appropriated or advanced to the fund by the legislature;~~

11 ~~(d) — money loaned to the board by the board of investments; and~~

12 ~~(e) — all interest earned on money in the fund.~~

13 ~~(3) — As provided in 75-11-318, the fund may be used only:~~

14 ~~(a) — to administer this part, including payment of board expenses associated with administration;~~

15 ~~(b) — to pay the actual and necessary department expenses associated with administration;~~

16 ~~(c) — to reimburse owners and operators for eligible costs caused by a release from a petroleum~~
17 ~~storage tank and approved by the board; and~~

18 ~~(d) — for repayment of any advance and any loan made pursuant to 17-6-225, plus interest earned~~
19 ~~on the advance or loan; and~~

20 ~~(e) — for any other purpose as determined by the legislature.~~

21 ~~(4) — Whenever the board accepts a loan from the board of investments pursuant to 17-6-225, the~~
22 ~~receipts from the fees provided for in 75-11-314 in each fiscal year until the loan is repaid are pledged and~~
23 ~~dedicated for the repayment of the loan in an amount sufficient to meet the repayment obligation for that fiscal~~
24 ~~year."~~

25
26 **Section 8.** Section 23, Chapter 456, Laws of 2019, is amended to read:

27 **"Section 23. Termination.** [Sections 3 and 4] terminate June 30, ~~2024~~ 2025."

