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Economic Affairs Interim Committee

68th Montana Legislature

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TO: Members of the Economic Affairs Interim Committee

FROM: Erin Sullivan, Research Analyst

DATE: April 25, 2024

RE: Staff request for committee clean-up bill

The legal services division recently discovered two errors related to sections of the Montana Code Annotated (MCA) that need to be updated to reflect changes made during the 2023 legislative session and request that the Economic Affairs Interim Committee introduce a committee bill to make the necessary changes. A provisional draft is attached for the committee's consideration.

1. Senate Bill 451 (SB451), Chapter 479, Laws of 2023, generally revises health care contract laws and enacted new section 28-2-724, MCA, that applies to contracts or agreements involving health care providers licensed under certain chapters in Title 37. House Bill 137 (HB137), Chapter 713, Laws of 2023, made changes to the behavioral health statutes and renumbered some of the chapters referenced in SB451. The bills were not coordinated during the 2023 legislative session so the renumbered chapters from HB137 were not enacted in SB451. An amendment to section 28-2-724 in a clean-up bill would correct the error.
2. HB137's changes to the behavioral health statutes included consolidating the professional occupations related to behavioral health under one new chapter under Title 37 and repealing the current chapters. House Bill 777 (HB777), Chapter 218, Laws of 2023, adopted the interstate counseling compact for professional counselors, which was one of the professions included in House Bill 137's consolidation. During the codification process, HB777 was codified according to the codification instruction, which was the old chapter (23) instead of the new chapter (39). An instruction to the code commissioner in a clean-up bill would correct the error.