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Volume III

CHAPTER NO. 673

[SB 327]

AN ACT PROVIDING THAT SUBDIVISION APPLICANTS MAY IDENTIFY WATER WELL LOCATIONS; REVISING A DEFINITION; AMENDING SECTIONS 76-3-622, 76-4-102, AND 76-4-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-3-622, MCA, is amended to read:

"**76-3-622. Water and sanitation information to accompany preliminary plat.** (1) Except as provided in subsection (2), the subdivider shall submit to the governing body or to the agent or agency designated by the governing body the information listed in this section for proposed subdivisions that will include new water supply or wastewater facilities. The information must include:

(a) a vicinity map or plan that shows:

(i) the location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:

(A) flood plains;

(B) surface water features;

(C) springs;

(D) irrigation ditches;

(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems*, except that the subdivider may locate a water well anywhere on a lot, parcel, or tract of record if the subdivider maintains the minimum setback distances adopted in rule by the department of environmental quality*;

(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g); and

(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d); and

(ii) the location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities;

(b) a description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including:

(i) whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the department of environmental quality; and

(ii) if the water supply and wastewater treatment systems are shared, multiple user, or public, a statement of whether the systems will be public utilities as defined in 69-3-101 and subject to the jurisdiction of the public service commission or exempt from public service commission jurisdiction and, if exempt, an explanation for the exemption;

(c) a drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by the department of environmental quality pursuant to 76-4-104;

(d) evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:

(i) a soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by the department of environmental quality;

(ii) demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer; and

(iii) in cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);

(e) for new water supply systems, unless cisterns are proposed, evidence of adequate water availability:

(i) obtained from well logs or testing of onsite or nearby wells;

(ii) obtained from information contained in published hydrogeological reports; or

(iii) as otherwise specified by rules adopted by the department of environmental quality pursuant to 76-4-104;

(f) evidence of sufficient water quality in accordance with rules adopted by the department of environmental quality pursuant to 76-4-104;

(g) a preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

(2) A subdivider whose land division is excluded from review under 76-4-125(1) is not required to submit the information required in this section.

(3) A governing body may not, through adoption of regulations, require water and sanitation information in addition to the information required under this section unless the governing body complies with the procedures provided in 76-3-511."

Section 2. Section 76-4-102, MCA, is amended to read:

"**76-4-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adequate county water and/or sewer district facilities" means facilities provided by a county water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75, chapters 5 and 6.

(2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, chapters 5 and 6.

(3) "Board" means the board of environmental review.

(4) "Certifying authority" means a municipality or a county water and/or sewer district that meets the eligibility requirements established by the department under 76-4-104(6).

(5) "Department" means the department of environmental quality.

(6) "Extension of a public sewage system" means a sewerline that connects two or more sewer service lines to a sewer main.

(7) "Extension of a public water supply system" means a waterline that connects two or more water service lines to a water main.

(8) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary

method by which water, sewage, or solid wastes might be transported or distributed.

(9) "Individual water system" means any water system that serves one living unit or commercial unit and that is not a public water supply system as defined in 75-6-102.

(10) "Mixing zone" has the meaning provided in 75-5-103.

(11) (a) "Proposed drainfield mixing zone" means a mixing zone submitted for approval under this chapter after March 30, 2011.

(b) The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011.

(12) (a) "Proposed well isolation zone" means a well isolation zone submitted for approval under this chapter after October 1, 2013.

(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013.

(13) "Public sewage system" or "public sewage disposal system" means a public sewage system as defined in 75-6-102.

(14) "Public water supply system" has the meaning provided in 75-6-102.

(15) "Regional authority" means any regional water authority, regional wastewater authority, or regional water and wastewater authority organized pursuant to the provisions of Title 75, chapter 6, part 3.

(16) "Registered professional engineer" means a person licensed to practice as a professional engineer under Title 37, chapter 67.

(17) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37, chapter 40.

(18) "Reviewing authority" means the department or a local department or board of health certified to conduct a review under 76-4-104.

(19) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal, facilities until the department has approved plans for those facilities.

(20) "Sewage" has the meaning provided in 75-5-103.

(21) "Sewer service line" means a sewerline that connects a single building or living unit to a public sewage system or to an extension of a public sewage system.

(22) "Solid waste" has the meaning provided in 75-10-103.

(23) "Subdivision" means a division of land or land so divided that creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, any condominium, townhome, or townhouse, or any parcel, regardless of size, that provides two or more permanent spaces for recreational camping vehicles or mobile homes.

(24) "Water service line" means a waterline that connects a single building or living unit to a public water supply system or to an extension of a public water supply system.

(25) "Well isolation zone" means the area within a 100-foot radius of a water well *or a smaller, site-specific radius as approved by the department*."

Section 3. Section 76-4-104, MCA, is amended to read:

"**76-4-104. Rules for administration and enforcement.** (1) The department shall, subject to the provisions of 76-4-135, adopt reasonable rules, including adoption of sanitary standards, necessary for administration and enforcement of this part.

(2) The rules and standards must provide the basis for approving subdivisions for various types of public and private water supplies, sewage

disposal facilities, storm water drainage ways, and solid waste disposal. The rules and standards must be related to:

(a) size of lots;

(b) contour of land;

(c) porosity of soil;

(d) ground water level;

(e) distance from lakes, streams, and wells;

(f) type and construction of private water and sewage facilities; and

(g) other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation, and wildlife.

(3) (a) Except as provided in subsection (3)(b), the rules must provide for the review of subdivisions consistent with 76-4-114 by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection (4) that the local department or board is competent to conduct the review.

(b) (i) Except as provided in 75-6-121 and subsection (3)(b)(ii) of this section, a local department or board of health may not review public water supply systems, public sewage systems, or extensions of or connections to these systems.

(ii) A local department or board of health may be certified by the department to review subdivisions proposed to connect to existing municipal or county water and/or sewer district water and wastewater systems previously approved by the department if no extension of the systems is required.

(4) The department shall also adopt standards and procedures for certification and maintaining certification to ensure that a local department or board of health is competent to review the subdivisions as described in subsection (3).

(5) The department shall review those subdivisions described in subsection (3) if:

(a) a proposed subdivision lies within more than one jurisdictional area and the respective governing bodies are in disagreement concerning approval of or conditions to be imposed on the proposed subdivision; or

(b) the local department or board of health elects not to be certified.

(6) The rules must further provide for:

(a) providing the reviewing authority with a copy of the plat or certificate of survey subject to review under this part and other documentation showing the layout or plan of development, including:

(i) total development area; and

(ii) total number of proposed units and structures requiring facilities for water supply or sewage disposal;

(b) adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed;

(c) evidence concerning the potability of the proposed water supply for the subdivision;

(d) adequate evidence that a sewage disposal facility is sufficient in terms of capacity and dependability;

(e) standards and technical procedures applicable to storm drainage plans and related designs, in order to ensure proper drainage ways, except that the rules must provide a basis for not requiring storm water review under this part for parcels 5 acres and larger on which the total impervious area does not and will not exceed 5%. Nothing in this section relieves any person of the duty to

comply with the requirements of Title 75, chapter 5, or rules adopted pursuant to Title 75, chapter 5.

(f) standards and technical procedures applicable to sanitary sewer plans and designs, including soil testing and site design standards for on-lot sewage disposal systems when applicable;

(g) standards and technical procedures applicable to water systems;

(h) standards and technical procedures applicable to solid waste disposal;

(i) adequate evidence that a proposed drainfield mixing zone and a proposed well isolation zone are located wholly within the boundaries of the proposed subdivision where the proposed drainfield or well is located or that an easement or, for public land, other authorization has been obtained from the landowner to place the proposed drainfield mixing zone or proposed well isolation zone outside the boundaries of the proposed subdivision where the proposed drainfield or proposed well is located.

(i) A proposed drainfield mixing zone or a proposed well isolation zone for an individual water system well that is a minimum of 50 feet inside the subdivision boundary may extend outside the boundaries of the subdivision onto adjoining land that is dedicated for use as a right-of-way for roads, railroads, or utilities.

(ii) This subsection (6)(i) does not apply to the divisions provided for in 76-3-207 except those under 76-3-207(1)(b). Nothing in this section is intended to prohibit the extension, construction, or reconstruction of or other improvements to a public sewage system within a well isolation zone that extends onto land that is dedicated for use as a right-of-way for roads, railroads, or utilities.

(j) criteria for granting waivers and deviations from the standards and technical procedures adopted under subsections (6)(e) through (6)(i);

(k) evidence to establish that, if a public water supply system or a public sewage system is proposed, provision has been made for the system and, if other methods of water supply or sewage disposal are proposed, evidence that the systems will comply with state and local laws and regulations that are in effect at the time of submission of the subdivision application under this chapter. Evidence that the systems will comply with local laws and regulations must be in the form of a certification from the local health department as provided by department rule.

(l) evidence to demonstrate that appropriate easements, covenants, agreements, and management entities have been established to ensure the protection of human health and state waters and to ensure the long-term operation and maintenance of water supply, storm water drainage, and sewage disposal facilities;

(m) eligibility requirements for municipalities and county water and/or sewer districts to qualify as a certifying authority under the provisions of 76-4-127.

(7) The requirements of subsection (6)(i) regarding proposed drainfield mixing zones and proposed well isolation zones apply to all subdivisions or divisions excluded from review under 76-4-125 created after October 1, 2021, except as provided in subsections (6)(i)(i) and (6)(i)(ii).

(8) The department shall:

(a) conduct a biennial review of experimental wastewater system components that have been granted a waiver or deviation as provided in subsection (6)(j);

(b) utilize relevant analysis of wastewater system components approved in other states and data from peer-reviewed third-party studies to conduct the review provided in subsection (8)(a);

(c) propose those experimental wastewater system components that meet the purposes and provisions of this part for adoption into the rules pursuant to this section; and

(d) report to the local government interim committee biennially, in accordance with 5-11-210, the number and type of experimental wastewater system components reviewed and the number and type of system components approved and provide written findings to explain why a system component was reviewed but not approved.

(9) Review and certification or denial of certification that a division of land is not subject to sanitary restrictions under this part may occur only under those rules in effect when a complete application is submitted to the reviewing authority, except that in cases in which current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time the lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality apply.

(10) The reviewing authority may not deny or condition a certificate of subdivision approval under this part unless it provides a written statement to the applicant detailing the circumstances of the denial or condition imposition. The statement must include:

(a) the reason for the denial or condition imposition;

(b) the evidence that justifies the denial or condition imposition; and

(c) information regarding the appeal process for the denial or condition imposition.

(11) *(a)* ~~The~~ *Subject to subsection (11)(b), the* department may adopt rules that provide technical details and clarification regarding the water and sanitation information required to be submitted under 76-3-622.

(b) A subdivider may locate a water well anywhere on a lot, parcel, or tract of record if the subdivider maintains the minimum setback distances adopted in rule. The reviewing authority may not limit a subdivider to a single proposed well location."

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 674

[SB 328]

AN ACT REVISING CHILD ABUSE AND NEGLECT LAWS; REVISING THE DEFINITION OF REASONABLE EFFORTS; DEFINING FICTIVE KIN; ESTABLISHING PLACEMENT PREFERENCES; AMENDING SECTIONS 41-3-101, 41-3-423, 41-3-438, 41-3-440, 41-3-444, AND 41-3-445, MCA; AND REPEALING SECTION 41-3-439, MCA.

WHEREAS, the federal Indian Child Welfare Act requires active efforts that are affirmative, active, and thorough and timely efforts that are tailored, in a manner consistent with prevailing social and cultural conditions, to each case to maintain or reunite an Indian child with the child's family; and

WHEREAS, the federal Indian Child Welfare Act outlines placement preferences for foster care, preadoptive, or adoptive placements of Indian children, prioritizing placement with members of a child's extended family; and

WHEREAS, the Legislature desires to incorporate the federal Indian Child Welfare Act's requirements regarding active efforts and placement preferences into Montana's existing child abuse and neglect laws.

Be it enacted by the Legislature of the State of Montana:

Section 1. Placement preferences. (1) The placement preferences described in this section apply in any foster care, preadoptive, or adoptive placement of a child unless there is a determination under [section 2] that good cause exists to not follow the placement preferences or unless the placement is governed by the federal Indian Child Welfare Act.

(2) (a) In any adoptive placement of a child, preference must be given in descending order to placement of the child with:

(i) a member of the child's extended family, including fictive kin;

(ii) a member of the child's community with ethnic, cultural, and religious heritage similar to the child's family; or

(iii) a family with ethnic, cultural, and religious heritage similar to the child's family.

(b) When appropriate, the placement preference of the child or the child's parent or legal guardian must be considered.

(3) Except as provided in 41-3-301(1), in any foster care or preadoptive placement of a child:

(a) the child must be placed in the least restrictive setting that:

(i) most approximates a family, taking into consideration sibling attachment;

(ii) allows the child's special needs, if any, to be met; and

(iii) is in reasonable proximity to the child's home, extended family, or siblings;

(b) preference must be given in descending order to placement of the child with:

(i) a member of the child's extended family, including fictive kin;

(ii) a licensed foster home located in the child's community with ethnic, cultural, and religious heritage similar to the child's family;

(iii) a licensed foster home with ethnic, cultural, and religious heritage similar to the child's family; or

(iv) an institution for children approved by the department that has a program suitable to meet the child's needs; and

(c) the preference of the child or the child's parent or legal guardian must be considered.

(4) For the purposes of this section, "fictive kin" means a person to whom the child and the child's parent and family ascribe a family relationship and with whom the child has had a significant emotional tie that existed prior to the department's involvement with the child and the child's family.

Section 2. Exemption from placement preferences. (1) Good cause exists to not follow the placement preferences described in [section 1] if one or more of the following circumstances is present:

(a) a child's parent or legal guardian attests that the parent or legal guardian has reviewed the placement preferences and requests a placement that does not follow the order of preference;

(b) a child who is of sufficient age and capacity to understand the decision requests a placement that does not follow the order of preference;

(c) a sibling attachment exists that may be maintained only through a particular placement;

(d) the extraordinary physical, mental, or emotional needs of the child, such as specialized treatment services that may be unavailable in the community

where families who meet the placement preferences live, require a particular placement; or

(e) a suitable placement meeting the placement preferences is not available after a diligent search was conducted. The determination that a suitable placement is not available must conform to the prevailing social and cultural standards of the community in which the child's parent or legal guardian or extended family resides or to which the child's parent or legal guardian or extended family members maintain social and cultural ties.

(2) Good cause does not exist to depart from the preferences described in [section 1] based on the socioeconomic status of any placement relative to another placement.

Section 3. Section 41-3-101, MCA, is amended to read:

"**41-3-101. Declaration of policy.** (1) It is the policy of the state of Montana to:

(a) provide for the protection of children whose health and welfare are or may be adversely affected and further threatened by the conduct of those responsible for the children's care and protection;

(b) achieve these purposes in a family environment and preserve the unity and welfare of the family whenever possible;

(c) ensure that there is no forced removal of a child from the family based solely on an allegation of abuse or neglect unless the department has reasonable cause to suspect that the child is at imminent risk of harm;

(d) recognize that a child is entitled to assert the child's constitutional rights;

(e) ensure that all children have a right to a healthy and safe childhood in a permanent placement; and

(f) ensure that whenever removal of a child from the home is necessary, the child is entitled to maintain ethnic, cultural, and religious heritage whenever appropriate.

(2) It is intended that the mandatory reporting of abuse or endangerment cases by professional people and other community members to the appropriate authority will cause the protective services of the state to seek to prevent further abuses, protect and enhance the welfare of these children, and preserve family life whenever appropriate.

(3) In implementing this chapter, whenever it is necessary to remove a child from the child's home, the department shall, when it is in the best interests of the child, place the child ~~with the child's noncustodial birth parent or with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, when placement with the extended family is approved by the department, prior to placing the child in an alternative protective or residential facility~~ *in accordance with [sections 1 and 2]*. Prior to approving a placement, the department shall investigate whether anyone living in the home has been convicted of a crime involving serious harm to children.

(4) (a) The department shall create a registry for voluntary registration by close relatives of a child for purposes of notifying those relatives when a child that is related has been removed from the child's home pursuant to this chapter.

(b) The registry must contain the names of the child and the child's parents and may contain the names of the child's grandparents, aunts, uncles, adult brothers, and adult sisters and must contain the contact information for the child and parents and any of the relatives whose names appear in the registry.

(5) The department shall consult the registry and notify the relatives on the registry on the first working day after placing the child in accordance with 41-3-301.

(6) The department may charge a fee commensurate with the cost of operating the registry. The fee may be charged only to those persons whose names are voluntarily entered in the registry.

(7) In implementing the policy of this section, the child's health and safety are of paramount concern."

Section 4. Section 41-3-423, MCA, is amended to read:

"**41-3-423. Reasonable efforts required to prevent removal of child or to return -- exemption -- findings -- permanency plan.** (1) (a) The department shall make reasonable efforts to prevent the necessity of removal of a child from the child's home and to reunify families that have been separated by the state.

(b) ~~(i)~~ For the purposes of this subsection (1), the term "reasonable efforts" means the department shall in good faith ~~develop and implement voluntary services agreements and treatment plans that are designed to preserve the parent-child relationship and the family unit and shall in good faith assist parents in completing voluntary services agreements and treatment plans~~*:*

(i) conduct a comprehensive assessment of the circumstances of the family, with a focus on safe reunification as the most desirable goal. The assessment must be provided to the parents and to counsel for the parents.

(ii) identify appropriate services and help the parents overcome barriers, including actively assisting the parents in obtaining appropriate services;

(iii) with parental consent, identify and invite the extended family to participate in providing support and services to the family and to participate in family team meetings, permanency planning, and resolution of placement issues;

(iv) conduct or cause to be conducted a diligent search for the child's extended family members and contact and consult with extended family members to provide family structure and support for the child and the parents;

(v) offer and employ all available and culturally appropriate family preservation strategies and facilitate the use of remedial and rehabilitative services;

(vi) take steps to keep siblings together whenever possible;

(vii) support regular visits with parents in the most natural setting possible, as well as trial home visits with the child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child;

(viii) identify community resources, including housing, financial, transportation, mental health, substance abuse, and peer support services, and actively assist the parents or, when appropriate, the child's family in utilizing and accessing the resources;

(ix) monitor progress and participation in services; and

(x) consider alternative ways to address the needs of the parents and, when appropriate, the family if the optimum services do not exist or are not available.

~~(ii) The term includes but is not limited to:~~

~~(A) written prevention plans;~~

~~(B) development of individual written case plans specifying state efforts to preserve or reunify families;~~

~~(C) placement in the least disruptive setting possible with priority given to family placement as provided in 41-3-439;~~

~~(D) provision of services pursuant to a case plan that is designed to address the parent's treatment and other needs precluding the parent from safely parenting, including but not limited to individual and family therapy,~~

~~parent education, substance abuse treatment, and trauma-related services; and~~

~~(E) periodic review of each case to ensure timely progress toward reunification or permanent placement.~~

(c) In determining preservation or reunification services to be provided and in making reasonable efforts at providing preservation or reunification services, the child's health and safety are of paramount concern.

(2) Except in a proceeding subject to the federal Indian Child Welfare Act, the department may, at any time during an abuse and neglect proceeding, make a request for a determination that preservation or reunification services need not be provided. If an indigent parent is not already represented by counsel, the court shall immediately provide for the appointment or assignment of counsel to represent the indigent parent in accordance with the provisions of 41-3-425. A court may make a finding that the department need not make reasonable efforts to provide preservation or reunification services if the court finds that the parent has:

(a) subjected a child to aggravated circumstances, including but not limited to abandonment, torture, chronic abuse, or sexual abuse or chronic, severe neglect of a child;

(b) committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate homicide of a child;

(c) committed aggravated assault against a child;

(d) committed neglect of a child that resulted in serious bodily injury or death; or

(e) had parental rights to the child's sibling or other child of the parent involuntarily terminated and the circumstances related to the termination of parental rights are relevant to the parent's ability to adequately care for the child at issue.

(3) Preservation or reunification services are not required for a putative father, as defined in 42-2-201, if the court makes a finding that the putative father has failed to do any of the following:

(a) contribute to the support of the child for an aggregate period of 1 year, although able to do so;

(b) establish a substantial relationship with the child. A substantial relationship is demonstrated by:

(i) visiting the child at least monthly when physically and financially able to do so; or

(ii) having regular contact with the child or with the person or agency having the care and custody of the child when physically and financially able to do so; and

(iii) manifesting an ability and willingness to assume legal and physical custody of the child if the child was not in the physical custody of the other parent.

(c) register with the putative father registry pursuant to Title 42, chapter 2, part 2, and the person has not been:

(i) adjudicated in Montana to be the father of the child for the purposes of child support; or

(ii) recorded on the child's birth certificate as the child's father.

(4) A judicial finding that preservation or reunification services are not necessary under this section must be supported by clear and convincing evidence.

(5) If the court finds that preservation or reunification services are not necessary pursuant to subsection (2) or (3), a permanency hearing must be held within 30 days of that determination and reasonable efforts, including

consideration of both in-state and out-of-state permanent placement options for the child, must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If reasonable efforts have been made to prevent removal of a child from the home or to return a child to the child's home but continuation of the efforts is determined by the court to be inconsistent with the permanency plan for the child, the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, including, if appropriate, placement in another state, and to complete whatever steps are necessary to finalize the permanent placement of the child. Reasonable efforts to place a child permanently for adoption or to make an alternative out-of-home permanent placement may be made concurrently with reasonable efforts to return a child to the child's home. Concurrent planning, including identifying in-state and out-of-state placements, may be used.

(7) When determining whether the department has made reasonable efforts to prevent the necessity of removal of a child from the child's home or to reunify families that have been separated by the state, the court shall review the services provided by the agency including, if applicable, protective services provided pursuant to 41-3-302."

Section 5. Section 41-3-438, MCA, is amended to read:

"**41-3-438. Disposition -- hearing -- order.** (1) Unless a petition is dismissed or unless otherwise stipulated by the parties pursuant to 41-3-434 or ordered by the court, a dispositional hearing must be held on every petition filed under this chapter within 20 days after an adjudicatory order has been entered under 41-3-437. Exceptions to the time limit may be allowed only in cases involving newly discovered evidence, unavoidable delays, stipulation by the parties pursuant to 41-3-434, and unforeseen personal emergencies.

(2) (a) A dispositional order must be made after a dispositional hearing that is separate from the adjudicatory hearing under 41-3-437. The hearing process must be scheduled and structured so that dispositional issues are specifically addressed apart from adjudicatory issues. Hearsay evidence is admissible at the dispositional hearing.

(b) A dispositional hearing may follow an adjudicatory hearing in a bifurcated manner immediately after the adjudicatory phase of the proceedings if:

(i) all required reports are available and have been received by all parties or their attorneys at least 5 working days in advance of the hearing; and

(ii) the judge has an opportunity to review the reports after the adjudication.

(c) The dispositional hearing may be held prior to the entry of written findings required by 41-3-437.

(3) If a child is found to be a youth in need of care under 41-3-437, the court may enter its judgment, making any of the following dispositions to protect the welfare of the child:

(a) permit the child to remain with the child's custodial parent or guardian, subject to those conditions and limitations the court may prescribe;

(b) order the department to evaluate the noncustodial parent as a possible caretaker;

(c) order the temporary placement of the child with the noncustodial parent, superseding any existing custodial order, and keep the proceeding open pending completion by the custodial parent of any treatment plan ordered pursuant to 41-3-443;

(d) order the placement of the child with the noncustodial parent, superseding any existing custodial order, and dismiss the proceeding with

no further obligation on the part of the department to provide services to the parent with whom the child is placed or to work toward reunification of the child with the parent or guardian from whom the child was removed in the initial proceeding;

(e) grant an order of limited emancipation to a child who is 16 years of age or older, as provided in 41-1-503;

(f) transfer temporary legal custody to any of the following:

(i) the department;

(ii) a licensed child-placing agency that is willing and able to assume responsibility for the education, care, and maintenance of the child and that is licensed or otherwise authorized by law to receive and provide care of the child; or

(iii) a nonparent relative or other individual who has been evaluated and recommended by the department or a licensed child-placing agency designated by the court and who is found by the court to be qualified to receive and care for the child;

(g) order a party to the action to do what is necessary to give effect to the final disposition, including undertaking medical and psychological evaluations, treatment, and counseling that does not require an expenditure of money by the department unless the department consents and informs the court that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(h) order further care and treatment as the court considers in the best interests of the child that does not require an expenditure of money by the department unless the department consents and informs the court that resources are available for the proposed care and treatment. The department is the payor of last resort after all family, insurance, and other resources have been examined pursuant to 41-3-446.

~~(4) (a) If the court awards temporary legal custody of an abandoned child other than to the department or to a noncustodial parent, the court shall award temporary legal custody of the child to a member of the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, if:~~

~~(i) placement of the abandoned child with the extended family member is in the best interests of the child;~~

~~(ii) the extended family member requests that the child be placed with the family member;~~

~~(iii) the extended family member is able to offer continuity of care for the child by providing permanency or stability in residence, schooling, and activities outside of the home; and~~

~~(iv) the extended family member is found by the court to be qualified to receive and care for the child.~~

~~(b) If more than one extended family member satisfies the requirements of subsection (4)(a), the court may award custody to the extended family member who can best meet the child's needs.~~

~~(c)~~*(4)* If a member of the child's extended family, including an adult sibling, grandparent, great-grandparent, aunt, or uncle, has requested that custody be awarded to that family member, the department shall investigate and determine if awarding custody to the family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If the court accepts the department's custody recommendation, the court shall inform any denied family member of the reasons for the denial to the extent that confidentiality laws allow. The court shall include the reasons for denial

in the court order if the family member who is denied temporary legal custody requests it to be included.

(5) If reasonable efforts have been made to prevent removal of a child from the home or to return a child to the child's home but continuation of the efforts is determined by the court to be inconsistent with permanency for the child, the department shall make reasonable efforts to place the child in a timely manner in accordance with a permanent plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If the court finds that reasonable efforts are not necessary pursuant to 41-3-442(1) or subsection (5) of this section, a permanency hearing must be held within 30 days of that determination and reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(7) If the time limitations of this section are not met, the court shall review the reasons for the failure and order an appropriate remedy that considers the best interests of the child."

Section 6. Section 41-3-440, MCA, is amended to read:

"**41-3-440. Limitation on placement.** Except as provided in 41-3-301(1) and in the absence of a dispute between the parties to the action regarding the appropriate placement, the department shall determine*, in accordance with [sections 1 and 2],* the appropriate placement for a child alleged to be or adjudicated as a youth in need of care. The court shall settle any dispute between the parties to an action regarding the appropriate placement. The child may not be placed in a youth assessment center, youth detention facility, detention center, or other facility intended or used for the confinement of adults or youth accused or convicted of criminal offenses."

Section 7. Section 41-3-444, MCA, is amended to read:

"**41-3-444. Abuse and neglect proceedings -- appointment of guardian -- financial subsidies.** (1) The court may, upon the petition of the department or guardian ad litem, enter an order appointing a guardian for a child who has been placed in the temporary or permanent custody of the department pursuant to 41-3-438, 41-3-445, or 41-3-607. The guardianship may be subsidized by the department under subsection ~~(9)~~ *(8)* if the guardianship meets the department's criteria, or the guardianship may be nonsubsidized.

(2) The court may appoint a guardian for a child pursuant to this section if the following facts are found by the court:

(a) the department has given its written consent to the appointment of the guardian, whether the guardianship is to be subsidized or not;

(b) if the guardianship is to be subsidized, the department has given its written consent after the department has considered initiating or continuing financial subsidies pursuant to subsection ~~(9)~~ *(8)*;

(c) the child has been adjudicated a youth in need of care;

(d) the department has made reasonable efforts to reunite the parent and child, further efforts to reunite the parent and child by the department would likely be unproductive, and reunification of the parent and child would be contrary to the best interests of the child;

(e) the child has lived with the potential guardian in a family setting and the potential guardian is committed to providing a long-term relationship with the child;

(f) it is in the best interests of the child to remain or be placed with the potential guardian;

(g) either termination of parental rights to the child is not in the child's best interests or parental rights to the child have been terminated, but adoption is not in the child's best interests; and

(h) if the child concerning whom the petition for guardianship has been filed is an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. 1901, et seq., the child's tribe has received notification from the state of the initiation of the proceedings.

~~(3) In the case of an abandoned child, the court may give priority to a member of the abandoned child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, if placement with the extended family member is in the best interests of the child. If more than one extended family member has requested to be appointed as guardian, the court may determine which extended family member to appoint in the same manner provided for in 41-3-438(4).~~

~~(4)~~*(3)* The entry of a decree of guardianship pursuant to this section terminates the custody of the department and the involvement of the department with the child and the child's parents except for the department's provision of a financial subsidy, if any, pursuant to ~~subsection (9)~~ *subsection (8)*.

~~(5)~~*(4)* A guardian appointed under this section may exercise the powers and has the duties provided in 72-5-231.

~~(6)~~*(5)* The court may revoke a guardianship ordered pursuant to this section if the court finds, after hearing on a petition for removal of the child's guardian, that continuation of the guardianship is not in the best interests of the child. Notice of hearing on the petition must be provided by the moving party to the child's lawful guardian, the department, any court-appointed guardian ad litem, the child's parent if the rights of the parent have not been terminated, and other persons directly interested in the welfare of the child.

~~(7)~~*(6)* A guardian may petition the court for permission to resign the guardianship. A petition may include a request for appointment of a successor guardian.

~~(8)~~*(7)* After notice and hearing on a petition for removal or permission to resign, the court may appoint a successor guardian or may terminate the guardianship and restore temporary legal custody to the department pursuant to 41-3-438.

~~(9)~~*(8)* The department may provide a financial subsidy to a guardian appointed pursuant to this section if the guardianship meets the department's criteria and if the department determines that a subsidy is in the best interests of the child. The amount of the subsidy must be determined by the department.

~~(10)~~*(9)* This section does not apply to guardians appointed pursuant to Title 72, chapter 5."

Section 8. Section 41-3-445, MCA, is amended to read:

"**41-3-445. Permanency hearing.** (1) (a) (i) Subject to subsection (1)(b), a permanency hearing must be held by the court or, subject to the approval of the court and absent an objection by a party to the proceeding, by the foster care review committee, as provided in 41-3-115, or the citizen review board, as provided in 41-3-1010:

(A) within 30 days of a determination that reasonable efforts to provide preservation or reunification services are not necessary under 41-3-423, 41-3-438(6), or 41-3-442(1); or

(B) no later than 12 months after the initial court finding that the child has been subjected to abuse or neglect or 12 months after the child's first 60 days of removal from the home, whichever comes first.

(ii) Within 12 months of a hearing under subsection (1)(a)(i)(B) and every 12 months thereafter until the child is permanently placed in either an adoptive

or a guardianship placement, the court or the court-approved entity holding the permanency hearing shall conduct a hearing and the court shall issue a finding as to whether the department has made reasonable efforts to finalize the permanency plan for the child.

(b) A permanency hearing is not required if the proceeding has been dismissed, the child was not removed from the home, the child has been returned to the child's parent or guardian, or the child has been legally adopted or appointed a legal guardian.

(c) The permanency hearing may be combined with a hearing that is required in other sections of this part or with a review held pursuant to 41-3-115 or 41-3-1010 if held within the applicable time limits. If a permanency hearing is combined with another hearing or a review, the requirements of the court related to the disposition of the other hearing or review must be met in addition to the requirements of this section.

(d) The court-approved entity conducting the permanency hearing may elect to hold joint or separate reviews for groups of siblings, but the court shall issue specific findings for each child.

(2) At least 3 working days prior to the permanency hearing, the department shall submit a report regarding the child to the entity that will be conducting the hearing for review. The report must address the department's efforts to effectuate the permanency plan for the child, address the options for the child's permanent placement, examine the reasons for excluding higher priority options, and set forth the proposed plan to carry out the placement decision, including specific times for achieving the plan.

(3) At least 3 working days prior to the permanency hearing, the guardian ad litem or an attorney or advocate for a parent or guardian may submit an informational report to the entity that will be conducting the hearing for review.

(4) In a permanency hearing, the court or other entity conducting the hearing shall consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

(5) (a) The court's order must be issued within 20 days after the permanency hearing if the hearing was conducted by the court. ~~If a member of the child's extended family, including an adult sibling, grandparent, great-grandparent, aunt, or uncle, has requested that custody be awarded to that family member or that a prior grant of temporary custody with that family member be made permanent, the department shall investigate and determine if awarding custody to that family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If the court accepts the department's custody recommendation, the court shall inform any denied family member of the reasons for the denial to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied custody requests it to be included.~~

(b) If an entity other than the court conducts the hearing, the entity shall keep minutes of the hearing and the minutes and written recommendations must be provided to the court within 20 days of the hearing.

(c) If an entity other than the court conducts the hearing and the court concurs with the recommendations, the court may adopt the recommendations as findings with no additional hearing required. In this case, the court shall issue written findings within 10 days of receipt of the written recommendations.

(6) The court shall approve a specific permanency plan for the child and make written findings on:

(a) whether the child has been asked about the desired permanency outcome;

(b) whether the permanency plan is in the best interests of the child;

(c) whether the department has made reasonable efforts to effectuate the permanency plan for the individual child;

(d) whether the department has made reasonable efforts to finalize the plan;

(e) whether there are compelling reasons why it is not in the best interest of the individual child to:

(i) return to the child's home; or

(ii) be placed for adoption, with a legal guardian, or with a fit and willing relative; and

(f) other necessary steps that the department is required to take to effectuate the terms of the plan.

(7) In its discretion, the court may enter any other order that it determines to be in the best interests of the child that does not conflict with the options provided in subsection (8) and that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditures are reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(8) Permanency options include:

(a) reunification of the child with the child's parent or guardian;

(b) permanent placement of the child with the noncustodial parent, superseding any existing custodial order;

(c) adoption;

(d) appointment of a guardian pursuant to 41-3-444; or

(e) long-term custody if the child is in a planned permanent living arrangement and if it is established by a preponderance of the evidence, which is reflected in specific findings by the court, that:

(i) the child is being cared for by a fit and willing relative;

(ii) the child has an emotional or mental handicap that is so severe that the child cannot function in a family setting and the best interests of the child are served by placement in a residential or group setting;

(iii) the child is at least 16 years of age and is participating in an independent living program and that termination of parental rights is not in the best interests of the child;

(iv) the child's parent is incarcerated and circumstances, including placement of the child and continued, frequent contact with the parent, indicate that it would not be in the best interests of the child to terminate parental rights of that parent; or

(v) the child meets the following criteria:

(A) the child has been adjudicated a youth in need of care;

(B) the department has made reasonable efforts to reunite the parent and child, further efforts by the department would likely be unproductive, and reunification of the child with the parent or guardian would be contrary to the best interests of the child;

(C) there is a judicial finding that other more permanent placement options for the child have been considered and found to be inappropriate or not to be in the best interests of the child; and

(D) the child has been in a placement in which the foster parent or relative has committed to the long-term care and to a relationship with the child, and it is in the best interests of the child to remain in that placement.

(9) For a child 14 years of age or older, the permanency plan must:

(a) be developed in consultation with the child and in consultation with up to two members of the child's case planning team who are chosen by the child and who are not a foster parent or child protection specialist for the child;

(b) identify one person from the case management team, who is selected by the child, to be designated as the child's advisor and advocate for the application of the reasonable and prudent parenting standard; and

(c) include services that will be needed to transition the child from foster care to adulthood.

(10) A permanency hearing must document the intensive, ongoing, and unsuccessful efforts made by the department to return the child to the child's home or to secure a permanent placement of the child with a relative, legal guardian, or adoptive parent.

(11) The court may terminate a planned permanent living arrangement upon petition of the birth parents or the department if the court finds that the circumstances of the child or family have substantially changed and the best interests of the child are no longer being served."

Section 9. Repealer. The following section of the Montana Code Annotated is repealed:

41-3-439. Department to give placement priority to extended family member of abandoned child.

Section 10. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 41, chapter 3, part 4, and the provisions of Title 41, chapter 3, part 4, apply to [sections 1 and 2].

Section 11. Coordination instruction. If both House Bill No. 317 and [this act] are passed and approved, then [section 1(1) of this act] must be amended as follows:

"(1) The placement preferences described in this section apply in any foster care, preadoptive, or adoptive placement of a child unless there is a determination under [section 2] that good cause exists to not follow the placement preferences or unless the placement is governed by the federal Indian Child Welfare Act *or the Montana Indian Child Welfare Act*."

Approved May 19, 2023

CHAPTER NO. 675

[SB 332]

AN ACT REQUIRING LOCAL GOVERNMENTS TO INCLUDE INFORMATION ON PROPERTY TAX INCREASES IN BUDGET DOCUMENTS; REQUIRING THE BUDGET RESOLUTION TO INCLUDE INFORMATION ON PROPERTY TAX INCREASES; AMENDING SECTIONS 7-6-4020 AND 7-6-4030, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-6-4020, MCA, is amended to read:

"**7-6-4020. Preliminary annual operating budget.** (1) A preliminary annual operating budget must be prepared for the local government.

(2) This part does not provide for the consolidation or reassignment, but does not prohibit delegation by mutual agreement, of any duties of elected county officials.

(3) (a) Before June 1 of each year, the county clerk and recorder shall notify the county commission and each board, office, regional resource authority, or official that they are required to file preliminary budget proposals for their component of the total county budget.

(b) Component budgets must be submitted to the clerk and recorder before June 10th or on a date designated by the county commission and must be submitted on forms provided by the county clerk and recorder.

(c) The county clerk and recorder shall prepare and submit the county's preliminary annual operating budget.

(d) Component budget responsibilities as provided in this subsection (3) include but are not limited to the following:

(i) The county surveyor or any special engineer shall compute road and bridge component budgets and submit them to the county commission.

(ii) The county commission shall submit road and bridge component budgets.

(iii) The county treasurer shall submit debt service component budgets.

(iv) The county commission shall submit component budgets for construction or improvements to be made from new general obligation debt.

(4) The preliminary annual operating budget for each fund must include, at a minimum:

(a) a listing of all revenue and other resources for the prior budget year, current budget year, and proposed budget year;

(b) a listing of all expenditures for the prior budget year, the current budget year, and the proposed budget year. All expenditures must be classified under one of the following categories:

(i) salaries and wages;

(ii) operations and maintenance;

(iii) capital outlay;

(iv) debt service; or

(v) transfers out.

(c) a projection of changes in fund balances or cash balances available for governmental fund types and a projection of changes in cash balances and working capital for proprietary fund types. This projection must be supported by a summary for each fund or group of funds listing the estimated beginning balance plus estimated revenue, less proposed expenditures, cash reserves, and estimated ending balances.

(d) a detailed list of proposed capital expenditures and a list of proposed major capital projects for the budget year;

(e) financial data on current and future debt obligations;

(f) schedules or summary tables of personnel or position counts for the prior budget year, current budget year, and proposed budget year. The budgeted amounts for personnel services must be supported by a listing of positions, salaries, and benefits for all positions of the local government. The listing of positions, salaries, and benefits is not required to be part of the budget document.

(g) all other estimates that fall under the purview of the budget.

(5) The preliminary annual operating budget for each fund for which the local government will levy an ad valorem property tax must include the estimated amount to be raised by the tax.

(6) If a government entity intends to increase property taxes, including an increase authorized under 15-10-420(1), the preliminary budget must include the amount by which property taxes will increase on homes valued at $100,000, $300,000, and $600,000."

Section 2. Section 7-6-4030, MCA, is amended to read:

"**7-6-4030. Final budget -- resolution -- appropriations.** (1) The governing body may amend the preliminary budget after the public hearing and after considering any public comment.

(2) The amended budget constitutes the final budget. The final budget must be balanced so that appropriations do not exceed the projected beginning balance plus the estimated revenue of each fund for the fiscal year.

(3) The governing body shall adopt the final budget by resolution. The resolution must:

(a) authorize appropriations to defray the expenses or liabilities for the fiscal year; ~~and~~

(b) establish legal spending limits at the level of detail in the resolution*; and*

(c) include any increase in property taxes, including an increase authorized under 15-10-420(1), and the amount by which property taxes will increase on homes valued at $100,000, $300,000, and $600,000.

(4) The effective date of the resolution is July 1 of the fiscal year, even if the resolution is adopted after that date."

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Applicability. [This act] applies to budgets adopted on or after [the effective date of this act].

Approved May 19, 2023

CHAPTER NO. 676

[SB 352]

AN ACT CREATING AN INTERIM REVIEW TO MODIFY AND IMPROVE CHILD PROTECTIVE SERVICES; PROVIDING FOR A WORK GROUP TO ASSIST IN THE REVIEW; SPECIFYING WORK GROUP MEMBERS AND DUTIES; PROVIDING FOR REPORTS; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Interim review of child protective services -- work group. (1) The children, families, health, and human services interim committee shall, with the assistance of a work group, review child protective services as provided in [section 2] during the 2023-2024 interim.

(2) (a) The work group must be composed of the following members:

(i) at least two committee members, one from each political party as selected by the presiding officer of the committee;

(ii) the director of the department of public health and human services or a designee of the director;

(iii) a county attorney or a designee of a county attorney;

(iv) a district court judge;

(v) the director of the office of state public defender or a designee of the director;

(vi) the Indian child welfare specialist appointed by the director of the department of public health and human services under 52-2-117;

(vii) a member of the public having experience with the dependency and neglect court system; and

(viii) a member of law enforcement.

(b) The presiding officer of the committee shall appoint the nonlegislative members provided for under subsection (2)(a)(iii), (2)(a)(iv), (2)(a)(vii), and (2)(a)(viii) based on recommendations from associations representing those entities. Appointees should have experience with child abuse and neglect investigations and proceedings.

(3) (a) A nonlegislative member of the task force who is not a full-time salaried officer or employee of the state or a political subdivision of the state is entitled to salary and expenses to the same extent as a legislative member.

(b) A member of the task force who is a full-time salaried officer or employee of the state or a political subdivision of the state is entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

Section 2. Interim committee and work group duties. (1) The children, families, health, and human services interim committee and the work group provided for in [section 1] shall study the current operation of child protective services to determine means by which the child protective services system in this state may be modified or improved to best serve children and families.

(2) The work group shall examine and report to the interim committee on topics including but not limited to:

(a) the removal of children from homes;

(b) centralized intake reports and procedures;

(c) investigations of reports of abuse and neglect;

(d) the potential for family support to help prevent removal of children or expedite reunification;

(e) foster care;

(f) kinship care;

(g) the interaction of child protective services with the judicial system;

(h) department of health and human services policies and procedures;

(i) reunification of children with their families of origin; and

(j) topics related to the Indian Child Welfare Act.

(3) The review must involve input from the various stakeholders involved in child protective services activities and, to the extent possible, include consultation with outside experts about Montana's child protective services system and systems in other states.

(4) The work group may, subject to available funding, meet, as needed to carry out the purposes of this section. Meetings may be held in person or by electronic means.

(5) All aspects of the review of child protective services, including reporting requirements, must be concluded prior to September 15, 2024. The interim committee shall prepare a final report of its findings, conclusions, and recommendations and prepare draft legislation. The committee shall submit the final report to the governor, the chief justice of the supreme court, and the 69th legislature.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 4. Appropriation. There is appropriated $15,000 from the general fund to the legislative services division for the biennium beginning July 1, 2023, for the work group provided for in [section 1] to carry out the activities required under [section 2].

Section 5. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation is vetoed, then [this act] is void.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 4] is effective July 1, 2023.

Section 7. Termination. [This act] terminates June 30, 2025.

Approved May 19, 2023

CHAPTER NO. 677

[SB 359]

AN ACT PROHIBITING FINANCIAL INSTITUTIONS FROM MANDATING THE USE OF FIREARMS CODES THAT ARE DIFFERENT FROM GENERAL SALES; PROVIDING DEFINITIONS; AND MAKING A VIOLATION OF THE PROHIBITION AN UNFAIR TRADE PRACTICE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Firearms code. (1) (a) A financial institution may not require a firearms retailer in this state to use a firearms code that is different from that of a general transaction.

(b) It is the intent of this section to prohibit a financial institution from mandating firearms retailers to adopt a firearms code that is separate from a general merchandise retailer or sporting goods retailer.

(2) A violation of this section constitutes an unfair trade practice subject to the provisions of Title 30, chapter 14, and with exclusive enforcement authority by the department of justice.

(3) For the purposes of this section, the following definitions apply:

(a) "Financial institution" means a:

(i) bank or trust company;

(ii) mutual savings and loan association;

(iii) credit union;

(iv) payment card network;

(v) online payment provider;

(vi) cryptocurrency company;

(vii) internet-based payment application;

(viii) acquirer;

(ix) payment facilitator; or

(x) similar company or institution providing financial transaction services.

(b) "Firearms code" means the merchant category code approved by the international organization for standardization for the purposes of initiating a card-based transaction for firearms retailers.

(c) "Firearms retailer" means any person or entity engaged in the lawful business of selling or trading any of the following items that are physically located in this state:

(i) firearms;

(ii) firearms parts or components;

(iii) firearms accessories;

(iv) ammunition;

(v) ammunition components, including but not limited to powder or casings; or

(vi) other products offered and sold at firearms stores.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [section 1].

Approved May 19, 2023

CHAPTER NO. 678

[SB 374]

AN ACT GENERALLY REVISING PUBLIC RECORDS REQUIREMENTS FOR LOCAL GOVERNMENTS; AUTHORIZING CERTAIN LOCAL GOVERNMENTS TO DISPOSE OF RECORDS THAT HAVE REACHED THE END OF RETENTION ON AN APPROVED RETENTION SCHEDULE WITHOUT THE APPROVAL OF THE LOCAL GOVERNMENT RECORDS DESTRUCTION SUBCOMMITTEE; INCREASING THE AGE REQUIREMENT TO 50 YEARS FOR DOCUMENTS TO BE OFFERED TO CERTAIN ENTITIES INTERESTED IN HISTORIC RECORDS; DECREASING THE PERIOD OF TIME TO 30 DAYS THAT HISTORIC RECORDS MUST BE OFFERED TO CERTAIN ENTITIES PRIOR TO DISPOSAL; AND AMENDING SECTIONS 2-6-1202, 2-6-1205, AND 7-5-4124, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-6-1202, MCA, is amended to read:

"**2-6-1202. Local government records committee -- duties and responsibilities.** The local government records committee shall:

(1) approve, modify, or disapprove proposals for local government records retention and disposition schedules;

(2) appoint a subcommittee, known as the local government records destruction subcommittee, to handle requests for disposal of records *that are not listed on an approved retention schedule*. The subcommittee consists of the state archivist, one of the local government records managers, and the representative of the department of administration. Unless specifically authorized by statute or by the retention and disposition schedule, a local government public record may not be destroyed or otherwise disposed of without the unanimous approval of the subcommittee. When approval is required, a request for the disposal or destruction of local government records must be submitted to the subcommittee by the entity concerned. If there is not unanimous approval of the subcommittee, the issue of the disposition of a record must be referred to the local government records committee for approval. When approval is obtained from the subcommittee or from the local government records committee for the disposal of a record, the local government records committee shall consider the inclusion of a new category of record for which a disposal request is not required and shall update the schedule as necessary.

(3) establish a retention and disposition schedule for categories of records for which a disposal request is not required. The local government records committee shall publish the retention and disposition schedules. Updates to those schedules, if any, must be published at least annually.

(4) develop guidance for local governments to identify, maintain, and secure their essential records;

(5) respond to requests for technical advice on matters relating to local government records; and

(6) provide leadership and coordination in matters affecting the records of multiple local governments."

Section 2. Section 2-6-1205, MCA, is amended to read:

"**2-6-1205. Disposal of local government public records prohibited prior to offering -- central registry -- notification.** (1) A local government public record *that is* more than ~~10~~ *50* years old may not be destroyed unless it is first offered to the Montana historical society, the state archives, Montana

public and private universities and colleges, local historical museums, local historical societies, Montana genealogical groups, and the general public.

(2) The availability of a public record to be destroyed must be noticed to the entities listed in subsection (1) at least ~~60~~ *30* days prior to disposal.

(3) (a) Claimed records must be given to entities in the order of priority listed in subsection (1).

(b) All expenses for the removal of claimed records must be paid by the entity claiming the records.

(c) The local government records committee shall establish procedures by which public records must be offered and claimed pursuant to this section.

(d) The local government records committee shall develop and maintain a central registry of the entities identified in subsection (1) who are interested in receiving notice of the potential destruction of public records pursuant to this section. The registry must be constructed to allow a local government entity to notify the local government records committee when the entity intends to destroy documents covered under this section and allow the local government records committee to subsequently notify the entities in the registry. A local government entity's notice to the local government records committee pursuant to this subsection (3)(d) and the records committee's notice to the entities listed on the registry fulfill the notification requirements of this section.

(4) A local government entity shall ensure that any record that contains confidential information or is otherwise protected from disclosure is not added to the central registry under subsection (3)."

Section 3. Section 7-5-4124, MCA, is amended to read:

"**7-5-4124. Destruction of municipal records.** *(1)* ~~Upon~~ *Except as provided in subsection (2), on* the order of the city or town council or commission and with the written approval of the local government records destruction subcommittee provided for in 2-6-1202, a city or town officer may destroy records that have met the retention period, as contained in the local government records retention and disposition schedules, and that are no longer needed by the office.

(2) If the city or town council or commission has adopted a retention schedule that has been approved by the local government records committee, a city or town officer may destroy records that have met the retention period without the written approval of the local government records destruction subcommittee."

Approved May 19, 2023

CHAPTER NO. 679

[SB 375]

AN ACT REMOVING NOTICE REQUIREMENTS BEFORE ALLOWING AN ANIMAL RUNNING AT LARGE TO BE KILLED; AND AMENDING SECTIONS 81-4-203 AND 81-4-208, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 81-4-203, MCA, is amended to read:

"**81-4-203. Open range defined.** In 81-4-204~~,~~ *and* 81-4-207, ~~and 81-4-208,~~ the term "open range" means all lands in the state of Montana not enclosed by a fence of not less than two wires in good repair. The term "open range" includes all highways outside of private enclosures and used by the public whether or not the same have been formally dedicated to the public."

Section 2. Section 81-4-208, MCA, is amended to read:

"**81-4-208. Killing of animal running at large ~~– notice – posting and service~~.** (1) Except as provided in subsection ~~(3)~~ *(2)*, if an animal running

at large cannot, by reasonable effort, be captured, taken up, or corralled, it may lawfully be killed *unless the owner or person having the management or control of the animal restrains it from running at large within 3 days after notice is given to the owner and the department of livestock by written, verbal, or electronic means.* ~~unless the owner or person having the management or control of it takes the animal off the open range and restrains it from running at large within 10 days after notice is given as provided in this section. The notice must be signed by one or more taxpayers of the vicinity of the range on which the animal is at large and must be substantially as follows:~~

~~"To whom it may concern:~~

~~Take notice, that a certain (stallion, ridgeling, unaltered male mule, or jackass, as the case may be) is running at large on the open range (identify the range by general description) in.... County, Montana. Unless the animal is removed from the range and restrained from running at large on open range within 10 days after the date of this notice, it will be killed.~~

~~(Date) (Signature or signatures)~~"

~~(2) The notice must be posted at the post office nearest the place where the animal was last seen on the range and similar notices must be posted in two other of the most public places in the vicinity of the range, and the notice must at once be mailed to the owner or person having management or control of the animal if the owner's or person's name and address are known.~~

~~(3)~~*(2)* A person shall report a swine running at large to the board. The board shall determine if the swine is an animal running at large subject to this section or a feral swine subject to the provisions of Title 81, chapter 29, part 1."

Approved May 19, 2023

CHAPTER NO. 680

[SB 380]

AN ACT GENERALLY REVISING HEALTH CARE INSURANCE LAWS; PROVIDING FOR PRIOR AUTHORIZATION REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Prior authorization requirements. (1) A health insurance issuer may not perform prior authorization on benefits for:

(a) any generic prescription drug that is not listed within any of the schedules of controlled substances found at 21 CFR 1308.11 through 21 CFR 1308.15 or the schedules of controlled substances found in Title 50, chapter 32, after a covered person has been prescribed the covered drug at the same quantity without interruption for 6 months;

(b) any prescription drug or drugs, generic or brand name, on the grounds of therapeutic duplication for the same drug if the covered person has already been subject to prior authorization on the grounds of therapeutic duplication for the same dosage of the prescription drug or drugs and coverage of the prescription drug or drugs was approved;

(c) any prescription drug, generic or brand name, solely because the dosage of the medication for the covered person has been adjusted by the prescriber of the prescription drug, as long as the dosage is within the dosage approved by the food and drug administration or is consistent with clinical dosing for the medication; or

(d) any prescription drug, generic or brand name, that is a long-acting injectable antipsychotic.

(2) Any adverse determination for a prescription drug made during prior authorization by a health insurance issuer must be made by a physician whose specialty focuses on the diagnosis and treatment of the condition for which the prescription drug was prescribed to treat, provided that prior authorization that does not result in an adverse determination does not require the involvement of a physician on the part of a health insurance issuer.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, chapter 32, part 2, and the provisions of Title 33, chapter 32, part 2, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Applicability. [This act] applies to policies and plans that are issued or renewed on or after January 1, 2024.

Approved May 19, 2023

CHAPTER NO. 681

[SB 384]

AN ACT ESTABLISHING THE CONSUMER DATA PRIVACY ACT; PROVIDING DEFINITIONS; ESTABLISHING APPLICABILITY; PROVIDING FOR CONSUMER RIGHTS TO PERSONAL DATA; ESTABLISHING REQUIREMENTS AND LIMITATIONS FOR A CONTROLLER OF PERSONAL DATA; ESTABLISHING REQUIREMENTS AND LIMITATIONS FOR A PROCESSOR OF PERSONAL DATA; PROVIDING FOR DATA PROTECTION ASSESSMENTS; PROVIDING EXEMPTIONS AND COMPLIANCE REQUIREMENTS; PROVIDING FOR ENFORCEMENT; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 12] may be cited as the "Consumer Data Privacy Act".

Section 2. Definitions. As used in [sections 1 through 12], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Affiliate" means a legal entity that shares common branding with another legal entity or controls, is controlled by, or is under common control with another legal entity.

(2) "Authenticate" means to use reasonable methods to determine that a request to exercise any of the rights afforded under [section 5(1)(a) through (1)(e)] is being made by, or on behalf of, the consumer who is entitled to exercise these consumer rights with respect to the personal data at issue.

(3) (a) "Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, a voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that are used to identify a specific individual.

(b) The term does not include:

(i) a digital or physical photograph;

(ii) an audio or video recording; or

(iii) any data generated from a digital or physical photograph or an audio or video recording, unless that data is generated to identify a specific individual.

(4) "Child" means an individual under 13 years of age.

(5) (a) "Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to allow the processing of personal data relating to the consumer. The term may include a written statement, a statement by electronic means, or any other unambiguous affirmative action.

(b) The term does not include:

(i) acceptance of a general or broad term of use or similar document that contains descriptions of personal data processing along with other unrelated information;

(ii) hovering over, muting, pausing, or closing a given piece of content; or

(iii) an agreement obtained using dark patterns.

(6) (a) "Consumer" means an individual who is a resident of this state.

(b) The term does not include an individual acting in a commercial or employment context or as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency whose communications or transactions with the controller occur solely within the context of that individual's role with the company, partnership, sole proprietorship, nonprofit, or government agency.

(7) "Control" or "controlled" means:

(a) ownership of or the power to vote more than 50% of the outstanding shares of any class of voting security of a company;

(b) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(c) the power to exercise controlling influence over the management of a company.

(8) "Controller" means an individual who or legal entity that, alone or jointly with others, determines the purpose and means of processing personal data.

(9) "Dark pattern" means a user interface designed or manipulated with the effect of substantially subverting or impairing user autonomy, decision-making, or choice.

(10) "Decisions that produce legal or similarly significant effects concerning the consumer" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health care services, or access to necessities such as food and water.

(11) "Deidentified data" means data that cannot be used to reasonably infer information about or otherwise be linked to an identified or identifiable individual or a device linked to the individual if the controller that possesses the data:

(a) takes reasonable measures to ensure that the data cannot be associated with an individual;

(b) publicly commits to process the data in a deidentified fashion only and to not attempt to reidentify the data; and

(c) contractually obligates any recipients of the data to satisfy the criteria set forth in subsections (11)(a) and (11)(b).

(12) "Identified or identifiable individual" means an individual who can be readily identified, directly or indirectly.

(13) "Institution of higher education" means any individual who or school, board, association, limited liability company, or corporation that is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees.

(14) "Nonprofit organization" means any organization that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6) or 501(c)(12) of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States as amended from time to time.

(15) (a) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable individual.

(b) The term does not include deidentified data or publicly available information.

(16) (a) "Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of 1,750 feet.

(b) The term does not include the content of communications, or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(17) "Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(18) "Processor" means an individual who or legal entity that processes personal data on behalf of a controller.

(19) "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(20) "Protected health information" has the same meaning as provided in the privacy regulations of the federal Health Insurance Portability and Accountability Act of 1996.

(21) "Pseudonymous data" means personal data that cannot be attributed to a specific individual without the use of additional information, provided the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable individual.

(22) "Publicly available information" means information that:

(a) is lawfully made available through federal, state, or municipal government records or widely distributed media; or

(b) a controller has a reasonable basis to believe a consumer has lawfully made available to the public.

(23) (a) "Sale of personal data" means the exchange of personal data for monetary or other valuable consideration by the controller to a third party.

(b) The term does not include:

(i) the disclosure of personal data to a processor that processes the personal data on behalf of the controller;

(ii) the disclosure of personal data to a third party for the purposes of providing a product or service requested by the consumer;

(iii) the disclosure or transfer of personal data to an affiliate of the controller;

(iv) the disclosure of personal data in which the consumer directs the controller to disclose the personal data or intentionally uses the controller to interact with a third party;

(v) the disclosure of personal data that the consumer:

(A) intentionally made available to the public via a channel of mass media; and

(B) did not restrict to a specific audience; or

(vi) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction, or a proposed merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(24) "Sensitive data" means personal data that includes:

(a) data revealing racial or ethnic origin, religious beliefs, a mental or physical health condition or diagnosis, information about a person's sex life, sexual orientation, or citizenship or immigration status;

(b) the processing of genetic or biometric data for the purpose of uniquely identifying an individual;

(c) personal data collected from a known child; or

(d) precise geolocation data.

(25) (a) "Targeted advertising" means displaying advertisements to a consumer in which the advertisement is selected based on personal data obtained or inferred from that consumer's activities over time and across nonaffiliated internet websites or online applications to predict the consumer's preferences or interests.

(b) The term does not include:

(i) advertisements based on activities within a controller's own internet websites or online applications;

(ii) advertisements based on the context of a consumer's current search query or visit to an internet website or online application;

(iii) advertisements directed to a consumer in response to the consumer's request for information or feedback; or

(iv) processing personal data solely to measure or report advertising frequency, performance, or reach.

(26) "Third party" means an individual or legal entity, such as a public authority, agency, or body, other than the consumer, controller, or processor or an affiliate of the controller or processor.

(27) "Trade secret" has the same meaning as provided in 30-14-402.

Section 3. Applicability. The provisions of [sections 1 through 12] apply to persons that conduct business in this state or persons that produce products or services that are targeted to residents of this state and:

(1) control or process the personal data of not less than 50,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or

(2) control or process the personal data of not less than 25,000 consumers and derive more than 25% of gross revenue from the sale of personal data.

Section 4. Exemptions. (1) [Sections 1 through 12] do not apply to any:

(a) body, authority, board, bureau, commission, district, or agency of this state or any political subdivision of this state;

(b) nonprofit organization;

(c) institution of higher education;

(d) national securities association that is registered under 15 U.S.C. 78o-3 of the federal Securities Exchange Act of 1934, as amended;

(e) financial institution or an affiliate of a financial institution governed by, or personal data collected, processed, sold, or disclosed in accordance with, Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801, et seq.; or

(f) covered entity or business associate as defined in the privacy regulations of the federal Health Insurance Portability and Accountability Act of 1996, 45 CFR 160.103.

(2) Information and data exempt from [sections 1 through 12] include:

(a) protected health information under the privacy regulations of the federal Health Insurance Portability and Accountability Act of 1996;

(b) patient-identifying information for the purposes of 42 U.S.C. 290dd-2;

(c) identifiable private information for the purposes of the federal policy for the protection of human subjects of 1991, 45 CFR, part 46;

(d) identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonisation of technical requirements for pharmaceuticals for human use;

(e) the protection of human subjects under 21 CFR, parts 6, 50, and 56, or personal data used or shared in research as defined in the federal Health Insurance Portability and Accountability Act of 1996, 45 CFR 164.501, that is conducted in accordance with the standards set forth in this subsection (2)(e), or other research conducted in accordance with applicable law;

(f) information and documents created for the purposes of the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11101, et seq.;

(g) patient safety work products for the purposes of the Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b-21, et seq., as amended;

(h) information derived from any of the health care-related information listed in this subsection (2) that is:

(i) deidentified in accordance with the requirements for deidentification pursuant to the privacy regulations of the federal Health Insurance Portability and Accountability Act of 1996; or

(ii) included in a limited data set as described in 45 CFR 164.514(e), to the extent that the information is used, disclosed, and maintained in a manner specified in 45 CFR 164.514(e).

(i) information originating from and intermingled to be indistinguishable with or information treated in the same manner as information exempt under this subsection (2) that is maintained by a covered entity or business associate as defined in the privacy regulations of the federal Health Insurance Portability and Accountability Act of 1996, 45 CFR 160.103, or a program or qualified service organization, as specified in 42 U.S.C. 290dd-2, as amended;

(j) information used for public health activities and purposes as authorized by the federal Health Insurance Portability and Accountability Act of 1996, community health activities, and population health activities;

(k) the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report and by a user of a consumer report, but only to the extent that the activity is regulated by and authorized under the Fair Credit Reporting Act, 15 U.S.C. 1681, as amended;

(l) personal data collected, processed, sold, or disclosed in compliance with the Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721, et seq., as amended;

(m) personal data regulated by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, et seq., as amended;

(n) personal data collected, processed, sold, or disclosed in compliance with the Farm Credit Act of 1993, 12 U.S.C. 2001, et seq., as amended;

(o) data processed or maintained:

(i) by an individual applying to, employed by, or acting as an agent or independent contractor of a controller, processor, or third party to the extent that the data is collected and used within the context of that role;

(ii) as the emergency contact information of an individual under [sections 1 through 12] and used for emergency contact purposes; or

(iii) that is necessary to retain to administer benefits for another individual relating to the individual who is the subject of the information under subsection (2)(a) and is used for the purposes of administering the benefits; and

(p) personal data collected, processed, sold, or disclosed in relation to price, route, or service, as these terms are used in the Airline Deregulation Act of 1978, 49 U.S.C. 40101, et seq., as amended, by an air carrier subject to the Airline Deregulation Act of 1978, to the extent [sections 1 through 12] are preempted by the Airline Deregulation Act of 1978, 49 U.S.C. 41713, as amended.

(3) Controllers and processors that comply with the verifiable parental consent requirements of the Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501, et seq., shall be considered compliant with any obligation to obtain parental consent pursuant to [sections 1 through 12].

Section 5. Consumer personal data -- opt-out -- compliance -- appeals. (1) A consumer must have the right to:

(a) confirm whether a controller is processing the consumer's personal data and access the consumer's personal data, unless such confirmation or access would require the controller to reveal a trade secret;

(b) correct inaccuracies in the consumer's personal data, considering the nature of the personal data and the purposes of the processing of the consumer's personal data;

(c) delete personal data about the consumer;

(d) obtain a copy of the consumer's personal data previously provided by the consumer to the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the personal data to another controller without hindrance when the processing is carried out by automated means, provided the controller is not required to reveal any trade secret; and

(e) opt out of the processing of the consumer's personal data for the purposes of:

(i) targeted advertising;

(ii) the sale of the consumer's personal data, except as provided in [section 7(2)]; or

(iii) profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer.

(2) A consumer may exercise rights under this section by a secure and reliable means established by the controller and described to the consumer in the controller's privacy notice.

(3) (a) A consumer may designate an authorized agent in accordance with [section 6] to exercise the rights of the consumer to opt out of the processing of the consumer's personal data under subsection (1)(e) on behalf of the consumer.

(b) A parent or legal guardian of a known child may exercise the consumer rights on the known child's behalf regarding the processing of personal data.

(c) A guardian or conservator of a consumer subject to a guardianship, conservatorship, or other protective arrangement, may exercise the rights on the consumer's behalf regarding the processing of personal data.

(4) Except as otherwise provided in [sections 1 through 12], a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to this section as follows:

(a) A controller shall respond to the consumer without undue delay, but not later than 45 days after receipt of the request. The controller may extend the response period by 45 additional days when reasonably necessary, considering the complexity and number of the consumer's requests, provided the controller

informs the consumer of the extension within the initial 45-day response period and the reason for the extension.

(b) If a controller declines to act regarding the consumer's request, the controller shall inform the consumer without undue delay, but not later than 45 days after receipt of the request, of the justification for declining to act and provide instructions for how to appeal the decision.

(c) Information provided in response to a consumer request must be provided by a controller, free of charge, once for each consumer during any 12-month period. If requests from a consumer are manifestly unfounded, excessive, technically infeasible, or repetitive, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, excessive, technically infeasible, or repetitive nature of the request.

(d) If a controller is unable to authenticate a request to exercise any of the rights afforded under subsections (1)(a) through (1)(d) of this section using commercially reasonable efforts, the controller may not be required to comply with a request to initiate an action pursuant to this section and shall provide notice to the consumer that the controller is unable to authenticate the request to exercise the right or rights until the consumer provides additional information reasonably necessary to authenticate the consumer and the consumer's request to exercise the consumer's rights. A controller may not be required to authenticate an opt-out request, but a controller may deny an opt-out request if the controller has a good faith, reasonable, and documented belief that the request is fraudulent. If a controller denies an opt-out request because the controller believes the request is fraudulent, the controller shall send notice to the person who made the request disclosing that the controller believes the request is fraudulent and that the controller may not comply with the request.

(e) A controller that has obtained personal data about a consumer from a source other than the consumer must be deemed in compliance with the consumer's request to delete the consumer's data pursuant to subsection (1)(c) by:

(i) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the controller's records and not using the retained data for any other purpose pursuant to the provisions of [sections 1 through 12]; or

(ii) opting the consumer out of the processing of the consumer's personal data for any purpose except for those exempted pursuant to the provisions of [sections 1 through 12].

(5) A controller shall establish a process for a consumer to appeal the controller's refusal to act on a request within a reasonable period after the consumer's receipt of the decision. The appeal process must be conspicuously available and like the process for submitting requests to initiate action pursuant to this section. Not later than 60 days after receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the attorney general to submit a complaint.

Section 6. Authorized agent. (1) A consumer may designate another person to serve as the consumer's authorized agent and act on the consumer's behalf to opt out of the processing of the consumer's personal data for one or more of the purposes specified in [section 5(1)(e)]. The consumer may designate

an authorized agent by way of a technology, including but not limited to an internet link or a browser setting, browser extension, or global device setting indicating a customer's intent to opt out of such processing.

(2) A controller shall comply with an opt-out request received from an authorized agent if the controller is able to verify, with commercially reasonable effort, the identity of the consumer and the authorized agent's authority to act on the consumer's behalf.

(3) Opt-out methods must:

(a) provide a clear and conspicuous link on the controller's internet website to an internet web page that enables a consumer, or an agent of the consumer, to opt out of the targeted advertising or sale of the consumer's personal data; and

(b) by no later than January 1, 2025, allow a consumer to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of such personal data through an opt-out preference signal sent with the consumer's consent, to the controller by a platform, technology, or mechanism that:

(i) may not unfairly disadvantage another controller;

(ii) may not make use of a default setting, but require the consumer to make an affirmative, freely given and unambiguous choice to opt out of any processing of a customer's personal data pursuant to [sections 1 through 12];

(iii) must be consumer-friendly and easy to use by the average consumer;

(iv) must be consistent with any federal or state law or regulation; and

(v) must allow the controller to accurately determine whether the consumer is a resident of the state and whether the consumer has made a legitimate request to opt out of any sale of a consumer's personal data or targeted advertising.

(4) (a) If a consumer's decision to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of personal data, through an opt-out preference signal sent in accordance with the provisions of subsection (3) conflicts with the consumer's existing controller-specific privacy setting or voluntary participation in a controller's bona fide loyalty, rewards, premium features, discounts, or club card program, the controller shall comply with the consumer's opt-out preference signal but may notify the consumer of the conflict and provide the choice to confirm controller-specific privacy settings or participation in such a program.

(b) If a controller responds to consumer opt-out requests received in accordance with subsection (3) by informing the consumer of a charge for the use of any product or service, the controller shall present the terms of any financial incentive offered pursuant to subsection (3) for the retention, use, sale, or sharing of the consumer's personal data.

Section 7. Data processing by controller -- limitations. (1) A controller shall:

(a) limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the personal data is processed, as disclosed to the consumer;

(b) establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data appropriate to the volume and nature of the personal data at issue; and

(c) provide an effective mechanism for a consumer to revoke the consumer's consent under this section that is at least as easy as the mechanism by which the consumer provided the consumer's consent and, on revocation of the consent, cease to process the personal data as soon as practicable, but not later than 45 days after the receipt of the request.

(2) A controller may not:

(a) except as otherwise provided in [sections 1 through 12], process personal data for purposes that are not reasonably necessary to or compatible with the disclosed purposes for which the personal data is processed as disclosed to the consumer unless the controller obtains the consumer's consent;

(b) process sensitive data concerning a consumer without obtaining the consumer's consent or, in the case of the processing of sensitive data concerning a known child, without processing the sensitive data in accordance with the Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501, et seq.;

(c) process personal data in violation of the laws of this state and federal laws that prohibit unlawful discrimination against consumers;

(d) process the personal data of a consumer for the purposes of targeted advertising or sell the consumer's personal data without the consumer's consent under circumstances in which a controller has actual knowledge that the consumer is at least 13 years of age but younger than 16 years of age; or

(e) discriminate against a consumer for exercising any of the consumer rights contained in [sections 1 through 12], including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods or services to the consumer.

(3) Nothing in subsection (1) or (2) may be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not collect or maintain or prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised their right to opt out pursuant to [sections 1 through 12] or the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program.

(4) If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller shall clearly and conspicuously disclose the processing, as well as the way a consumer may exercise the right to opt out of the processing.

(5) A controller shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

(a) the categories of personal data processed by the controller;

(b) the purpose for processing personal data;

(c) the categories of personal data that the controller shares with third parties, if any;

(d) the categories of third parties, if any, with which the controller shares personal data; and

(e) an active e-mail address or other mechanism that the consumer may use to contact the controller; and

(f) how consumers may exercise their consumer rights, including how a consumer may appeal a controller's decision regarding the consumer's request.

(6) (a) A controller shall establish and describe in a privacy notice one or more secure and reliable means for consumers to submit a request to exercise their consumer rights pursuant to [sections 1 through 12] considering the ways in which consumers normally interact with the controller, the need for secure and reliable communication of consumer requests, and the ability of the controller to verify the identity of the consumer making the request.

(b) A controller may not require a consumer to create a new account to exercise consumer rights but may require a consumer to use an existing account.

Section 8. Data processor -- allowances -- limitations. (1) A processor shall adhere to the instructions of a controller and shall assist the controller in meeting the controller's obligations under [sections 1 through 12] to include:

(a) considering the nature of processing and the information available to the processor by appropriate technical and organizational measures as much as reasonably practicable to fulfill the controller's obligation to respond to consumer rights requests;

(b) considering the nature of processing and the information available to the processor by assisting the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of security, as provided for in 30-14-1704, of the system of the processor to meet the controller's obligations; and

(c) providing necessary information to enable the controller to conduct and document data protection assessments.

(2) A contract between a controller and a processor must govern the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract must be binding and clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract must also require that the processor:

(a) ensure that each person processing personal data is subject to a duty of confidentiality with respect to the personal data;

(b) at the controller's direction, delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(c) on the reasonable request of the controller, make available to the controller all information in the processor's possession necessary to demonstrate the processor's compliance with the obligations in [sections 1 through 12];

(d) engage any subcontractor pursuant to a written contract that requires the subcontractor to meet the obligations of the processor with respect to the personal data; and

(e) allow and cooperate with reasonable assessments by the controller or the controller's designated assessor, or the processor may arrange for a qualified and independent assessor to assess the processor's policies and technical and organizational measures in support of the obligations under [sections 1 through 12] using an appropriate and accepted control standard or framework and assessment procedure for the assessments. The processor shall provide a report of the assessment to the controller on request.

(3) Nothing in this section may be construed to relieve a controller or processor from the liabilities imposed on the controller or processor by virtue of the controller's or processor's role in the processing relationship, as described in [sections 1 through 12].

(4) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends on the following context in which personal data is to be processed:

(a) A person who is not limited in the processing of personal data pursuant to a controller's instructions or who fails to adhere to a controller's instructions is a controller and not a processor with respect to a specific processing of data.

(b) A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor.

(c) If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, the processor is a controller with respect to the processing and may be subject to an enforcement action under [section 12].

Section 9. Data protection assessment. (1) A controller shall conduct and document a data protection assessment for each of the controller's processing activities that presents a heightened risk of harm to a consumer.

For the purposes of this section, processing that presents a heightened risk of harm to a consumer includes:

(a) the processing of personal data for the purposes of targeted advertising;

(b) the sale of personal data;

(c) the processing of personal data for the purposes of profiling in which the profiling presents a reasonably foreseeable risk of:

(i) unfair or deceptive treatment of or unlawful disparate impact on consumers;

(ii) financial, physical, or reputational injury to consumers;

(iii) a physical or other form of intrusion on the solitude or seclusion or the private affairs or concerns of consumers in which the intrusion would be offensive to a reasonable person; or

(iv) other substantial injury to consumers; and

(d) the processing of sensitive data.

(2) (a) Data protection assessments conducted pursuant to subsection (1) must identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with the processing as mitigated by safeguards that may be employed by the controller to reduce these risks.

(b) The controller shall factor into any data protection assessment the use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed.

(3) (a) The attorney general may require that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general, and the controller shall make the data protection assessment available to the attorney general.

(b) The attorney general may evaluate the data protection assessment for compliance with the responsibilities set forth in [sections 1 through 12].

(c) Data protection assessments are confidential and are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552.

(d) To the extent any information contained in a data protection assessment disclosed to the attorney general includes information subject to attorney-client privilege or work product protection, the disclosure may not constitute a waiver of the privilege or protection.

(4) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(5) If a controller conducts a data protection assessment for the purpose of complying with another applicable law or regulation, the data protection assessment must be considered to satisfy the requirements established in this section if the data protection assessment is reasonably similar in scope and effect to the data protection assessment that would otherwise be conducted pursuant to this section.

(6) Data protection assessment requirements must apply to processing activities created or generated after January 1, 2025, and are not retroactive.

Section 10. Deidentified data. (1) Any controller in possession of deidentified data shall:

(a) take reasonable measures to ensure that the deidentified data cannot be associated with an individual;

(b) publicly commit to maintaining and using deidentified data without attempting to reidentify the deidentified data; and

(c) contractually obligate any recipients of the deidentified data to comply with all provisions of [sections 1 through 12].

(2) Nothing in [sections 1 through 12] may be construed to:

(a) require a controller or processor to reidentify deidentified data or pseudonymous data; or

(b) maintain data in identifiable form or collect, obtain, retain, or access any data or technology to be capable of associating an authenticated consumer request with personal data.

(3) Nothing in [sections 1 through 12] may be construed to require a controller or processor to comply with an authenticated consumer rights request if the controller:

(a) is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;

(b) does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data or associate the personal data with other personal data about the same specific consumer; and

(c) does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section.

(4) The rights afforded under [section 5(1)(a) through (1)(d)] may not apply to pseudonymous data in cases in which the controller is able to demonstrate that any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing the information.

(5) A controller that discloses pseudonymous data or deidentified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or deidentified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.

Section 11. Compliance by controller or processor. (1) Nothing in [sections 1 through 12] may be construed to restrict a controller's or processor's ability to:

(a) comply with federal, state, or municipal ordinances or regulations;

(b) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other government authorities;

(c) cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or municipal ordinances or regulations;

(d) investigate, establish, exercise, prepare for, or defend legal claims;

(e) provide a product or service specifically requested by a consumer;

(f) perform under a contract to which a consumer is a party, including fulfilling the terms of a written warranty;

(g) take steps at the request of a consumer prior to entering a contract;

(h) take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or another individual and when the processing cannot be manifestly based on another legal basis;

(i) prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity, preserve the integrity or security of systems, or investigate, report, or prosecute those responsible for any of these actions;

(j) engage in public or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board that determines or similar independent oversight entities that determine:

(A) whether the deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;

(B) the expected benefits of the research outweigh the privacy risks; and

(C) whether the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification;

(k) assist another controller, processor, or third party with any of the obligations under [sections 1 through 12]; or

(l) process personal data for reasons of public interest in public health, community health, or population health, but solely to the extent that the processing is:

(A) subject to suitable and specific measures to safeguard the rights of the consumer whose personal data is being processed; and

(B) under the responsibility of a professional subject to confidentiality obligations under federal, state, or local law.

(2) The obligations imposed on controllers or processors under [sections 1 through 12] may not restrict a controller's or processor's ability to collect, use, or retain personal data for internal use to:

(a) conduct internal research to develop, improve, or repair products, services, or technology;

(b) effectuate a product recall;

(c) identify and repair technical errors that impair existing or intended functionality; or

(d) perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party.

(3) The obligations imposed on controllers or processors under [sections 1 through 12] may not apply when compliance by the controller or processor with [sections 1 through 12] would violate an evidentiary privilege under the laws of this state. Nothing in [sections 1 through 12] may be construed to prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of this state as part of a privileged communication.

(4) A controller or processor that discloses personal data to a processor or third-party controller in accordance with [sections 1 through 12] may not be considered to have violated [sections 1 through 12] if the processor or third-party controller that receives and processes the personal data violates [sections 1 through 12] provided, at the time the disclosing controller or processor disclosed the personal data, the disclosing controller or processor did not have actual knowledge that the receiving processor or third-party controller would violate [sections 1 through 12]. A receiving processor or third-party controller receiving personal data from a disclosing controller or processor in compliance with [sections 1 through 12] is likewise not in violation of [sections 1 through 12] for the transgressions of the disclosing controller or processor from which the receiving processor or third-party controller receives the personal data.

(5) Nothing in [sections 1 through 12] may be construed to:

(a) impose any obligation on a controller or processor that adversely affects the rights or freedoms of any person, including but not limited to the rights of any person:

(i) to freedom of speech or freedom of the press guaranteed in the first amendment to the United States constitution; or

(ii) under Rule 504 of the Montana Rules of Evidence; or

(b) apply to a person's processing of personal data during the person's personal or household activities.

(6) Personal data processed by a controller pursuant to this section may be processed to the extent that the processing is:

(a) reasonably necessary and proportionate to the purposes listed in this section; and

(b) adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. The controller or processor must, when applicable, consider the nature and purpose of the collection, use, or retention of the personal data collected, used, or retained pursuant to subsection (2). The personal data must be subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal data.

(7) If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (6).

(8) Processing personal data for the purposes expressly identified in this section may not solely make a legal entity a controller with respect to the processing.

Section 12. Enforcement. (1) The attorney general has exclusive authority to enforce violations pursuant to [sections 1 through 11].

(2) (a) The attorney general shall, prior to initiating any action for a violation of any provision of [sections 1 through 11], issue a notice of violation to the controller.

(b) If the controller fails to correct the violation within 60 days of receipt of the notice of violation, the attorney general may bring an action pursuant to this section.

(c) If within the 60-day period the controller corrects the noticed violation and provides the attorney general an express written statement that the alleged violations have been corrected and that no such further violations will occur, no action must be initiated against the controller.

(3) Nothing in [sections 1 through 11] may be construed as providing the basis for or be subject to a private right of action for violations of [sections 1 through 11] or any other law.

Section 13. Codification instruction. [Sections 1 through 12] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 12].

Section 14. Effective date. [This act] is effective October 1, 2024.

Section 15. Termination. [Section 12(2)] terminates April 1, 2026.

Approved May 19, 2023

CHAPTER NO. 682

[SB 393]

AN ACT REVISING CAMPAIGN FINANCE LAWS; REMOVING THE REQUIREMENT THAT CAMPAIGN TREASURERS MUST BE REGISTERED VOTERS; ELIMINATING THE REQUIREMENT THAT AN UNOPPOSED CANDIDATE FILE 48-HOUR REPORTS; CLARIFYING THE TIME OF DAY WHEN A REPORT IS DUE; PROVIDING EXCEPTIONS FOR CERTAIN

DISCLOSURE REQUIREMENTS RELATED TO 48-HOUR REPORTS AND DEBT; REVISING REPORTING REQUIREMENTS FOR INCIDENTAL COMMITTEES; AND AMENDING SECTIONS 13-37-203, 13-37-226, 13-37-229, AND 13-37-232, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-37-203, MCA, is amended to read:

"**13-37-203. ~~Qualifications of campaign~~ *Campaign* and deputy campaign treasurers.** ~~(1) Any campaign or deputy campaign treasurer appointed pursuant to 13-37-201 and 13-37-202 must be a registered voter in this state.~~ *(1) Any campaign or deputy campaign treasurer appointed pursuant to 13-37-201 and 13-37-202 must be a resident of the state of Montana.*

~~(2)~~*(2)* An individual may be appointed and serve as a campaign treasurer of a candidate, political committee, or joint fundraising committee or two or more candidates, political committees, or joint fundraising committees. A candidate may serve as the candidate's own campaign or deputy campaign treasurer or as the treasurer or deputy treasurer of a joint fundraising committee in which the candidate is a participant. An individual may not serve as a campaign or deputy campaign treasurer or perform any duty required of a campaign or deputy campaign treasurer of a candidate, political committee, or joint fundraising committee until the individual has been designated and the individual's name certified by the candidate or political committee."

Section 2. Section 13-37-226, MCA, is amended to read:

"**13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) except as provided in subsection (4)(a), the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) *except as provided in subsection (6),* within 2 business days of receiving a contribution ~~of $250 or more if the candidate is a candidate for a statewide office or $125 or more for any other candidate~~ *equal to the applicable limitation provided in 13-37-216 for the candidate* if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day before the election;

(d) *except as provided in subsection (6),* within 2 business days of making an expenditure of ~~$250~~ *an amount equal to* or more ~~if the candidate is a candidate for statewide office or $125 or more for any other candidate~~ *than the applicable contribution limitation provided in 13-37-216 for the candidate* if made between the 15th day of the month preceding an election in which the candidate participates and the day before the election;

(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint fundraising committee shall file reports required by

13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee or the joint fundraising committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

(b) except as provided in subsection (4)(b), the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee or the joint fundraising committee participates;

(c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of $500 or more if received between the 25th day of the month before an election in which the political committee or the joint fundraising committee participates and the day before the election;

(d) within 2 business days of making an expenditure of $500 or more that is made between the 25th day of the month before an election in which the political committee or the joint fundraising committee participates and the day before the election;

(e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter following a year of an election in which the political committee or the joint fundraising committee participates until the political committee or the joint fundraising committee files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(3) In addition to the reports required by subsections (1), (2), and (4), if a candidate, political committee, or joint fundraising committee participates in a special election, the candidate, political committee, or joint fundraising committee shall file reports as follows:

(a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

(b) 20 days after the special election.

(4) (a) A candidate for a municipal office who participates in an election held in an odd-numbered year shall file the reports required in subsection (1) on the 20th day of June, July, August, September, October, and November of the year of the election in which the candidate participates.

(b) A political committee that participates in a municipal election held in an odd-numbered year shall file the reports required in subsection (2) on the 30th day of June, July, August, September, October, and November of the year of the election in which the committee participates.

(5) Except as provided by 13-37-206, candidates for a local office and political committees that receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the reports specified in subsections (1) through (4) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign exceeds $500.

(6) A candidate is not required to file a report required by subsection (1)(c) or (1)(d) if the candidate is not opposed in the election.

~~(6)~~*(7)* A report required by this section must cover contributions received and expenditures made pursuant to the time periods specified in 13-37-228.

(8) A report required by this section is due by 11:59 p.m. on the due date.

~~(7)~~*(9)* A political committee may file a closing report prior to the date in 13-37-228(3) and after the complete termination of its contribution and expenditure activity during an election cycle.

~~(8)~~*(10)* For the purposes of this section:

(a) a candidate participates in an election by attempting to secure nomination or election to an office that appears on the ballot; and

(b) a political committee or a joint fundraising committee participates in an election by receiving a contribution or making an expenditure."

Section 3. Section 13-37-229, MCA, is amended to read:

"**13-37-229. Disclosure requirements for candidates, ballot issue committees, political party committees, and independent committees -- *exceptions*.** (1) The reports required under 13-37-225 through 13-37-227 from candidates, ballot issue committees, political party committees, independent committees, and joint fundraising committees must disclose the following information concerning contributions received:

(a) the amount of cash on hand at the beginning of the reporting period;

(b) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions, other than loans, of $50 or more to a candidate, political committee, or joint fundraising committee, including the purchase of tickets and other items for events, such as dinners, luncheons, rallies, and similar fundraising events. If a contribution is made by a joint fundraising committee to a participant in the joint fundraising committee, the participant shall disclose the information in this subsection (1)(b) for each contributor of the funds allocated to the participant by the joint fundraising committee.

(c) for each person identified under subsection (1)(b), the aggregate amount of contributions made by that person within the reporting period and the total amount of contributions made by that person for all reporting periods;

(d) the total sum of individual contributions made to or for a political committee, candidate, or joint fundraising committee and not reported under subsections (1)(b) and (1)(c);

(e) the name and address of each political committee, candidate, or joint fundraising committee from which the reporting committee or candidate received any transfer of funds, together with the amount and dates of all transfers;

(f) each loan from any person during the reporting period, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;

(g) *except as provided in subsection (5),* the amount and nature of debts and obligations owed to a political committee, candidate, or joint fundraising committee in the form prescribed by the commissioner;

(h) an itemized account of proceeds that total less than $50 from a person from mass collections made at fundraising events;

(i) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (1)(b) through (1)(h) during the reporting period; and

(j) the total sum of all receipts received by or for the committee or candidate during the reporting period.

(2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-227 from candidates, ballot issue committees, political party committees, independent committees, and joint fundraising committees must disclose the following information concerning expenditures made:

(i) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made by the committee or candidate during the reporting period, including the amount,

date, and purpose of each expenditure and the total amount of expenditures made to each person;

(ii) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(iii) the total sum of expenditures made by a political committee, candidate, or joint fundraising committee during the reporting period. If the expenditure is made by a joint fundraising committee, the joint fundraising committee shall report gross and net allocations to each participant.

(iv) the name and address of each political committee, candidate, or joint fundraising committee to which the reporting committee or candidate made any transfer of funds, together with the amount and dates of all transfers;

(v) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;

(vi) *except as provided in subsection (5),* the amount and nature of debts and obligations owed by a political committee, candidate, or joint fundraising committee in the form prescribed by the commissioner; and

(vii) if a joint fundraising committee allocated contributions to a participant, the contribution information under subsections (1)(a) through (1)(c) for each contributor that contributed to the gross amount allocated by the joint fundraising committee to the participant.

(b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of a candidate, political committee, or joint fundraising committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

(c) A candidate is required to report the information specified in this subsection (2) only if the transactions involved were undertaken for the purpose of supporting or opposing a candidate.

(d) Subsection (2)(a)(vii) applies only to the report of a joint fundraising committee.

(3) (a) A candidate, a political committee, or a joint fundraising committee is not required to report the following expenditures under the 2-business-day reporting requirements in 13-37-226(1)(d) and (2)(d):

(i) bookkeeping expenses paid to track and ensure campaign finance compliance; ~~and~~

(ii) payroll expenditures*;*

(iii) mileage; and

(iv) payment on a previously disclosed debt.

(b) A candidate, a political committee, or a joint fundraising committee is not relieved of the duty to report the expenditures listed in subsection (3)(a) in the next periodic report.

(4) A candidate is not required to report:

(a) contributions received from a political party committee for compensation of the personal services of another person that are rendered to the candidate if the political party committee reports the amount of contributions made to the candidate in the form of personal services; and

(b) tangible campaign materials such as campaign signage, literature, or photographs produced for a previous campaign or video produced for a previous

campaign if the expenditures to produce the tangible materials or video were reported in a previous campaign by the candidate.

(5) A candidate, political committee, or joint fundraising committee is not required to report a debt or obligation unless the debt or obligation exists and has not been paid as of the day the report must be filed."

Section 4. Section 13-37-232, MCA, is amended to read:

"**13-37-232. Disclosure requirements for incidental committees.** (1) A combination of two or more individuals or a person other than an individual that would otherwise qualify as an incidental committee but that receives less than $250 in contributions or that makes less than $250 in expenditures does not form a political committee and is not required to file as an incidental committee.

(2) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning contributions to the committee that are designated by the contributor for a specified candidate, ballot issue, or petition for nomination or that are made by the contributor in response to an appeal by the incidental committee for contributions to support incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications:

(a) *except as provided in subsection (5),* the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions during the reporting period for a specified candidate, ballot issue, or petition for nomination of $35 or more;

(b) for each person identified under subsection (2)(a), the aggregate amount of contributions made by that person for all reporting periods;

(c) *except as provided in subsection (5),* each loan received from any person during the reporting period for a specified candidate, ballot issue, or petition for nomination, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;

(d) the amount and nature of debts and obligations owed to an incidental committee for a specified candidate, ballot issue, or petition for nomination in the form prescribed by the commissioner;

(e) an account of proceeds that total less than $35 per person from mass collections made at fundraising events sponsored by the incidental committee for a specified candidate, ballot issue, or petition for nomination; and

(f) the total sum of all contributions received by or designated for the incidental committee for a specified candidate, ballot issue, or petition for nomination during the reporting period.

(3) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning expenditures made:

(a) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(b) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made during the reporting period, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(c) the total sum of expenditures made during the reporting period;

(d) the name and address of each political committee or candidate to which the reporting committee made any transfer of funds together with the amount and dates of all transfers;

(e) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person, and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;

(f) the amount and nature of debts and obligations owed by a political committee in the form prescribed by the commissioner; and

(g) other information that may be required by the commissioner to fully disclose the disposition of funds used to make expenditures.

(4) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of an incidental committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

(5) An incidental committee shall report an expenditure within 30 days of making the expenditure unless the expenditure is made during the time period described in 13-37-226(2)(d).

(6) An incidental committee shall request the occupation and employer of a contributor or person who provided a loan to the incidental committee. If the contributor or person who provided a loan does not provide the requested information, the incidental committee is only required to report what is provided.

~~(5)~~*(7)* An incidental committee that does not receive contributions for a specified candidate, ballot issue, or petition for nomination and that does not solicit contributions for incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications, is required to report only its expenditures."

Approved May 19, 2023

CHAPTER NO. 683

[SB 424]

AN ACT PROVIDING PERSONAL STAFF FOR AGENCY HEADS APPOINTED BY THE GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE AUDITOR, AND SUPERINTENDENT OF PUBLIC INSTRUCTION; EXPANDING THE DEFINITION OF "PERSONAL STAFF"; PROVIDING FOR THE USE OF EXISTING FULL-TIME EQUIVALENT PERSONNEL POSITIONS AS PERSONAL STAFF; AND AMENDING SECTIONS 2-18-101 AND 2-18-104, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-101, MCA, is amended to read:

"**2-18-101. Definitions.** As used in parts 1 through 3 and part 10 of this chapter, the following definitions apply:

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) "Base salary" means the base hourly pay rate annualized paid to an employee, excluding overtime and longevity.

(3) "Benchmark" means a representative position in a specific occupation that is used to illustrate the application of the job evaluation factor used to classify the occupation.

(4) "Blue-collar pay plan" means a strictly negotiated classification and pay plan consisting of unskilled or skilled labor, trades, and crafts occupations.

(5) "Board" means the board of personnel appeals established in 2-15-1705.

(6) "Broadband classification plan" means a job evaluation method that measures the difficulty of the work and the knowledge or skills required to perform the work.

(7) "Broadband pay plan" means a pay plan using a pay hierarchy of broad pay bands based on a classification plan, including market midpoint and occupational wage ranges.

(8) "Compensation" means the annual or hourly wage or salary and includes the longevity allowance provided in 2-18-304 and leave and holiday benefits provided in part 6 of this chapter.

(9) "Competencies" means sets of measurable and observable knowledge, skills, and behaviors that contribute to success in a position.

(10) "Department" means the department of administration created in 2-15-1001.

(11) (a) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 or 2-18-104.

(b) The term does not include a student intern.

(12) "Job evaluation factor" means a measure of the complexities of the predominant duties of a position.

(13) "Job sharing" means the sharing by two or more persons of a position.

(14) "Market midpoint" means the median base salary that other employers pay to employees in comparable occupations as determined by the department's salary survey of the relevant labor market.

(15) "Occupation" means a generalized family of positions having substantially similar duties and requiring similar qualifications, education, and experience.

(16) "Occupational wage range" means a range of pay, including a minimum, market midpoint, and maximum salary, for a specific occupation that is most consistent with the pay being offered by competing employers for fully competent employees within that occupation. The salary for an employee may be less than the minimum salary.

(17) "Pay band" means a wide salary range covering a number of different occupations. Pay bands are used for reporting and analysis purposes only.

(18) "Pay progression" means a process by which an employee's compensation may be increased, based on documented factors determined by the department, to bring the employee's compensation to a higher rate within the occupational wage range of the employee.

(19) "Permanent employee" means an employee who is designated by an agency as permanent, who was hired through a competitive selection process unless excepted from the competitive process by law, and who has attained or is eligible to attain permanent status.

(20) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period.

(21) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole*, by each director appointed by the governor as provided in 2-15-111(1), or by each division administrator, or equivalent, appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution.*

(22) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

(23) "Program" means a combination of planned efforts to provide a service.

(24) "Seasonal employee" means a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

(25) "Short-term worker" means a person who:

(a) may be hired by an agency without using a competitive hiring process for an hourly wage established by the agency;

(b) may not work for the agency for more than 90 days in a continuous 12-month period;

(c) is not eligible for permanent status;

(d) may not be hired into a permanent position by the agency without a competitive selection process;

(e) is not eligible to earn the leave and holiday benefits provided in part 6 of this chapter; and

(f) may be discharged without cause.

(26) "Student intern" means a person who:

(a) has been accepted in or is currently enrolled in an accredited school, college, or university and may be hired by an agency in a student intern position without using a competitive selection process;

(b) is not eligible for permanent status;

(c) is not eligible to become a permanent employee without a competitive selection process;

(d) must be covered by the hiring agency's workers' compensation insurance;

(e) is not eligible to earn the leave and holiday benefits provided for in part 6 of this chapter; and

(f) may be discharged without cause.

(27) (a) "Telework" means a flexible work arrangement where a designated employee may work from:

(i) home within the state of Montana or an alternative worksite within the state of Montana 1 or more days a week instead of physically traveling to a central workplace; or

(ii) an alternative worksite outside the state of Montana limited to:

(A) employees who are mental health professionals as defined in 27-1-1101 involved in psychological or psychiatric evaluations and treatment;

(B) employees engaged in providing services related to information technology as defined in 2-17-506;

(C) employees who are medical professionals involved in medical evaluations and treatment; or

(D) employees who are engaged in providing services related to economic development outside the state and whose work duties require the employees to reside out of state.

(b) The office of budget and program planning must approve a designated employee's alternative worksite outside the state of Montana before the employee begins work.

(28) "Temporary employee" means an employee who:

(a) is designated as temporary by an agency for a definite period of time not to exceed 12 months;

(b) performs duties on a temporary basis;

(c) is not eligible for permanent status;

(d) is terminated at the end of the employment period; and

(e) is not eligible to become a permanent employee without a competitive selection process."

Section 2. Section 2-18-104, MCA, is amended to read:

"**2-18-104. Exemption for personal staff -- limit.** (1) Subject to the limitations in subsections (2) and (3), members of a personal staff are exempt from parts 1 through 3 and 10.

(2) The personal staff who are exempted by subsection (1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. ~~Under~~ *Except as provided in subsection (5)(a), under* no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed 6.

(4) The number of members of the personal staff of the leadership of the legislature who are exempted by subsection (1) may not exceed:

(a) one personal staff for the speaker of the house of representatives;

(b) one personal staff for the minority leader of the house of representatives;

(c) one personal staff for the president of the senate;

(d) one personal staff for the minority leader of the senate; and

(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in 5-5-110.

(5) (a) The number of members of the personal staff to be appointed by and serve at the pleasure of the agency head and be exempted by subsection (1) may not exceed the following:

(i) two personal staff for the following departments:

(A) administration;

(B) agriculture;

(C) commerce; and

(D) military affairs; and

(ii) three personal staff for the following departments:

(A) corrections;

(B) environmental quality;

(C) fish, wildlife, and parks;

(D) labor and industry;

(E) natural resources and conservation;

(F) public health and human services;

(G) revenue; and

(H) transportation; and

(iii) for an agency with an elected official listed in Article VI, section 1, of the Montana constitution, a number of personal staff in excess of the limitations in subsection (2) but not to exceed 3% of the agency's full-time employees.

(b) When appointing personal staff under subsection (5)(a), only an existing full-time equivalent personnel position must be used. Agencies may not create a new full-time equivalent personnel position when appointing personal staff.

(c) For the purposes of subsection (5)(a)(iii), the number of full-time employees is determined pursuant to 2-18-204 and is within an agency's base budget as defined in 17-7-102. (Subsection (4)(e) terminates June 1, 2023--sec. 6, Ch. 523, L. 2021.)"

Approved May 19, 2023

CHAPTER NO. 684

[SB 443]

AN ACT ADDING A MISDEMEANOR PROBATION OFFICER TO THE MEMBERSHIP OF THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 44-4-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-4-402, MCA, is amended to read:

"**44-4-402. Membership -- composition.** (1) The council consists of no more than 13 voting members appointed by the governor in accordance with 2-15-124 and as provided in this section.

(2) Membership must include but is not limited to:

(a) one state government law enforcement representative;

(b) one chief of police, who may be appointed based on recommendations from the Montana association of chiefs of police;

(c) one sheriff, who may be appointed based on recommendations from the Montana sheriffs and peace officers association;

(d) one representative from the department of corrections established in 2-15-2301;

(e) one local law enforcement officer in a nonadministrative position, who may be appointed based on recommendations from the Montana police protective association;

(f) one detention center administrator or detention officer;

(g) one Montana-certified tribal law enforcement representative;

(h) one county attorney, who may be appointed based on recommendations from the Montana county attorneys association;

(i) two members of the board of crime control established in 2-15-2008;

(j) one misdemeanor probation officer, as defined in 46-23-1001, who is certified by the Montana public safety officer standards and training council and who may be appointed based on recommendations from an association representing misdemeanor probation officers; and

~~(j)~~*(k)* ~~three~~ *two* Montana citizens at large who are informed and experienced in the subject of law enforcement."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 685

[SB 458]

AN ACT GENERALLY REVISING THE LAWS TO PROVIDE A COMMON DEFINITION FOR THE WORD SEX WHEN REFERRING TO A HUMAN; AND AMENDING SECTIONS 1-1-201, 2-18-208, 7-15-4207, 7-34-2123, 13-27-408, 13-35-301, 13-38-201, 20-7-1306, 20-9-327, 20-25-501, 20-25-707, 22-2-306, 33-1-201, 35-20-209, 39-2-912, 40-1-107, 40-1-401, 40-5-907, 40-5-1031, 41-5-103, 42-2-204, 45-5-625, 46-19-301, 46-19-401, 46-32-105, 49-1-102, 49-2-101, 49-3-101, 50-5-105, 50-5-602, 50-11-101, 50-15-101, 50-19-103, 50-60-214, 53-20-142, 53-21-121, 53-21-142, 60-5-514, 60-5-522, 61-5-107, AND 72-1-103, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 1-1-201, MCA, is amended to read:

"**1-1-201. Terms of wide applicability.** (1) Unless the context requires otherwise, the following definitions apply in the Montana Code Annotated:

(a) "Female" means a member of the human species who, under normal development, has XX chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.

(b) "Male" means a member of the human species who, under normal development, has XY chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is male.

~~(a)~~*(c)* "Oath" includes an affirmation or declaration.

~~(b)~~*(d)* "Person" includes a corporation or other entity as well as a natural person.

~~(c)~~*(e)* "Several" means two or more.

(f) "Sex" means the organization of the body parts and gametes for reproduction in human beings and other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding types of gametes. The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, behavioral, social, chosen, or subjective experience of gender.

~~(d)~~*(g)* "State", when applied to the different parts of the United States, includes the District of Columbia and the territories.

~~(e)~~*(h)* "United States" includes the District of Columbia and the territories.

(2) Wherever the word "man" or "men" or a word that includes the syllable "man" or "men" in combination with other syllables, such as "workman", appears in this code, the word or syllable includes "woman" or "women" unless the context clearly indicates a contrary intent and unless the subject matter of the statute relates clearly and necessarily to a specific sex only.

(3) Whenever the term "heretofore" occurs in any statute, it must be construed to mean any time previous to the day the statute takes effect. Whenever the word "hereafter" occurs, it must be construed to mean the time after the statute containing the term takes effect."

Section 2. Section 2-18-208, MCA, is amended to read:

"**2-18-208. Comparable worth.** The department of administration shall, in its continuous efforts to enhance the current classification plan and pay schedules, work toward the goal of establishing a standard of equal pay for comparable worth. This standard for the classification plan shall be reached by:

(1) eliminating, in the classification of positions, the use of judgments and factors that contain inherent biases based on sex*, as defined in 1-1-201*; and

(2) comparing, in the classification of positions, the factors for determining job worth across occupational groups whenever those groups are dominated by males or females."

Section 3. Section 7-15-4207, MCA, is amended to read:

"**7-15-4207. Prohibition against discrimination.** For all of the purposes of this part and part 43, a person may not be subjected to discrimination because of sex*, as defined in 1-1-201*, race, creed, religion, age, physical or mental disability, color, or national origin."

Section 4. Section 7-34-2123, MCA, is amended to read:

"**7-34-2123. Admission to district hospital facilities.** Such a hospital district must admit persons to its facilities without regard to race, color, or sex, *as defined in 1-1-201*. Such obligation shall not prevent the board of trustees of such hospital district from establishing reasonable minimum rates for hospital quarters, services, and supplies. Indigents needing such services, for the rendition of which provision is made by the laws of Montana, must be admitted to such public hospitals on terms and rates prescribed or authorized by law."

Section 5. Section 13-27-408, MCA, is amended to read:

"**13-27-408. Rejection of improper arguments.** The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex*, as defined in 1-1-201*; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet."

Section 6. Section 13-35-301, MCA, is amended to read:

"**13-35-301. Adoption of code of fair campaign practices.** The following code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every candidate for public office in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and my opponent's party that merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or my opposition's personal or family life.

I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex*, as defined in 1-1-201*, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone.""

Section 7. Section 13-38-201, MCA, is amended to read:

"**13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie votes.** (1) Each political party shall appoint or elect at each primary election one person of each sex*, as defined in 1-1-201,* to serve as committee representatives for each election precinct. The committee representatives must be residents and registered voters of the precinct.

(2) If a political party chooses to appoint precinct committee representatives, the political party shall make the appointments as provided in the party's rules.

(3) If a political party chooses to elect precinct committee representatives, the party may:

(a) administer the election itself as provided in the party's rules; or

(b) elect precinct committee representatives in a primary election, subject to 13-10-209 and subsection (4) of this section.

(4) In a primary election for a precinct committee representative:

(a) if the number of candidates nominated for a party's precinct committee representatives is less than or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct committee election will not be held in that precinct;

(b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election administrator shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to the designated party.

(c) write-in votes for a precinct committee representative may be counted as specified in 13-15-206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by the deadline prescribed in 13-10-211(1);

(d) in the case of a tie vote for a precinct committee representative position, the county central committee shall determine a winner.

(5) Pursuant to 13-38-101, a vacancy in a precinct committee representative position must be filled by the party governing body as provided in its rules."

Section 8. Section 20-7-1306, MCA, is amended to read:

"**20-7-1306. (Temporary) Designation of athletic teams.** (1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public elementary or high school, a public institution of higher education, or any school or institution whose students or teams compete against a public school or institution of higher education must be expressly designated as one of the following based on biological sex:

(a) males, men, or boys;

(b) females, women, or girls; or

(c) coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.

(3) For the purposes of this section, "female", "male", and "sex" are defined in 1-1-201. (Void on occurrence of contingency--sec. 6, Ch. 405, L. 2021.)"

Section 9. Section 20-9-327, MCA, is amended to read:

"**20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

(i) public school districts, as defined in 20-6-101 and 20-6-701;

(ii) special education cooperatives, as described in 20-7-451;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) correctional facilities, as defined in 41-5-103; and

(v) the Montana youth challenge program.

(b) A special education cooperative that has not met the requirements of 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) (a) The quality educator payment for special education cooperatives must be distributed directly to those entities by the superintendent of public instruction.

(b) The quality educator payment for the Montana school for the deaf and blind must be distributed to the Montana school for the deaf and blind.

(c) The quality educator payment for Pine Hills correctional facility and the facility under contract with the department of corrections for female*, as defined in 1-1-201,* youth must be distributed to those facilities by the department of corrections.

(d) The quality educator payment for the Montana youth challenge program must be distributed to that program by the department of military affairs.

(3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) of this section in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education;

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302; and

(ii) is employed by an entity listed in subsection (1) to provide services to students; or

(c) (i) holds an American Indian language and culture specialist license; and

(ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian language immersion program pursuant to Title 20, chapter 7, part 14."

Section 10. Section 20-25-501, MCA, is amended to read:

"**20-25-501. Definitions.** (1) Terms used in this part are defined as follows:

(a) "Domicile" means a person's true, fixed, and permanent home and place of habitation.

(b) "Minor" means a male or female*, as defined in 1-1-201,* person who has not obtained the age of 18 years.

(c) "Qualified person" means a person legally qualified to determine the person's own domicile.

(d) "Resident student" means:

(i) a student who has been domiciled in Montana for 1 year immediately preceding registration at any unit for any term or session for which resident classification is claimed. Attendance as a full-time student at any college, university, or other institution of higher education is not alone sufficient to qualify for residence in Montana.

(ii) any graduate of a Montana high school who is a citizen or resident alien of the United States and whose parents, parent, or guardian has resided in Montana at least 1 full year of the 2 years immediately preceding the student's graduation from high school. The classification continues for not more than 4 academic years if the student remains in continuous attendance at a unit; or

(iii) a member of the armed forces of the United States assigned to and residing in Montana, the member's spouse, or the member's dependent children.

(2) In the event that the definition of residency or any portion of the definition is declared unconstitutional as it is applied to payment of nonresident fees and tuition, the regents of the Montana university system may make rules on what constitutes adequate evidence of residency status not inconsistent with those court decisions."

Section 11. Section 20-25-707, MCA, is amended to read:

"**20-25-707. Antidiscrimination.** An employer is not eligible to employ any person under this program if the employer practices discrimination in employment against any individual because of race, creed, religion, color, political ideas, sex, *as defined in 1-1-201,* age, marital status, physical or mental disability, ancestry, or national origin."

Section 12. Section 22-2-306, MCA, is amended to read:

"**22-2-306. Grant conditions -- additional funds -- accounts and reports.** (1) A grant may not be awarded unless the grantee accepts the Montana arts council's conditions of the grant and signs a contract stipulating those conditions.

(2) A grantee must agree in writing that:

(a) the grantee is the official and sole agency for the administration of the project described in the grant agreement; and

(b) no person will, on the grounds of race, color, national origin, sex, *as defined in 1-1-201,* or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that results from the expenditure of grant funds.

(3) The grantee must agree that the funds granted will be expended solely for the purpose and activities described in the approved proposal. All funds granted to the grantee must be spent or encumbered during the grant period.

(4) Disbursements to grantees must be as follows, based upon the cash flow needs of the projects and the revenues available:

(a) Projects that are to receive more than $10,000 may receive an amount not exceeding 25% of the grant award in the first 6 months of the biennium, 50% in the first year of the biennium, 75% in the first 18 months of the biennium, and the balance in the remainder of the biennium. Within the limitations contained in this subsection, the amount of each payment must be determined by the Montana arts council in its discretion. Each payment may be made only after an examination of the costs incurred in the project and the amount, if any, of the unencumbered or unexpended balance of prior grant payments for the project.

(b) Projects that are to receive $10,000 or less may receive the total grant in any fiscal quarter if the Montana arts council determines that the cultural and aesthetic project account has funds available and that, after an examination of the costs incurred by the project, total payment is appropriate.

(c) A grant award budget may be modified in accordance with this subsection. A grantee may modify line items in an approved budget in an amount not to exceed 10% of the total grant award. A grantee may, with permission of the Montana arts council, modify line items in an approved budget in an amount not to exceed 20% of the total grant award. A modification may not increase the grant award or change the scope or purpose of the award.

(5) The grantee must maintain accounts, records, and other pertinent material pertaining to the costs incurred and expenditures made under the grant. The system of accounting employed by the grantee must be in accordance with generally accepted accounting principles and be applied in a consistent manner so that project costs and expenditures can be clearly identified. Accounts, records, and other pertinent material must be maintained for 3 years from the official termination date of the grant period or until an audit, approved by the council, has been completed and any questions arising from the audit have been resolved to the satisfaction of the council.

(6) Grantees must submit to the council semiannual reports of expenditures during the course of the project and other financial and descriptive reports that the council may require. The grantee must submit, within 30 days after completion of the project, a final financial report and a narrative report stating what was accomplished with the grant. Five percent of the total grant award must be held pending receipt of final reports by the council. With regard to grantees who in the past have submitted late reports, 30% of the grant award may be held pending receipt of final reports by the council.

(7) The council may, at the principal place of business of the grantee and during regular business hours, examine any directly pertinent records, accounts, and documents of the grantee involving transactions related to the grant."

Section 13. Section 33-1-201, MCA, is amended to read:

"**33-1-201. Definitions -- insurance in general -- *general terms.*** For the purposes of this code, the following definitions apply unless the context requires otherwise:

(1) "Alien insurer" is an insurer formed under the laws of any country other than the United States or its states, districts, territories, and commonwealths.

(2) "Authorized insurer" is an insurer duly authorized by a certificate of authority issued by the commissioner to transact insurance in this state.

(3) "Domestic insurer" is an insurer incorporated under the laws of this state.

(4) "Female" has the meaning provided in 1-1-201.

~~(4)~~*(5)* "Foreign insurer" is an insurer formed under the laws of any jurisdiction other than this state. Except when distinguished by context, the term includes an alien insurer.

~~(5)~~*(6)* (a) "Insurance" is a contract through which one undertakes to indemnify another or pay or provide a specified or determinable amount or benefit upon determinable contingencies.

(b) The term does not include:

(i) contracts for the installation, maintenance, and provision of inside telecommunications wiring to residential or business premises;

(ii) direct patient care agreements established pursuant to 50-4-107; or

(iii) an arrangement with a health care sharing ministry that meets the requirements of 50-4-111.

~~(6)~~*(7)* (a) "Insurer" includes every person engaged as indemnitor, surety, or contractor in the business of entering into contracts of insurance. The term also includes a health service corporation in the provisions listed in 33-30-102.

(b) The term does not include a health care sharing ministry that meets the requirements of 50-4-111.

(8) "Male" has the meaning provided in 1-1-201.

~~(7)~~*(9)* "Resident domestic insurer" is an insurer incorporated under the laws of this state and:

(a) if a mutual company, not less than one-half of the policyholders are individuals who are residents of this state; or

(b) if a stock insurer, not less than one-half of the shares are owned by individuals who are residents of this state and all of the directors and officers of the insurer are residents of this state.

(10) "Sex" has the meaning provided in 1-1-201.

~~(8)~~*(11)* "State", when used in relation to jurisdiction, means a state, the District of Columbia, or a territory, commonwealth, or possession of the United States.

~~(9)~~*(12)* "Transact", with respect to insurance, means to:

(a) solicit;

(b) negotiate;

(c) sell or effectuate a contract of insurance; or

(d) transact matters subsequent to effectuation of the contract of insurance and arising out of it.

~~(10)~~*(13)* "Unauthorized insurer" is an insurer not authorized by a certificate of authority issued by the commissioner to transact insurance in this state."

Section 14. Section 35-20-209, MCA, is amended to read:

"**35-20-209. Duties of secretary -- record of interments.** The secretary shall perform all the duties of a secretary of a corporation and shall, in addition, keep a record of interments in which the secretary shall enter as correctly and carefully as may be the name, age, sex*, as defined in 1-1-201*, place of birth, and cause of death with date of burial of every person interred in the cemetery. The secretary shall procure these facts from friends or relatives of the deceased or the undertaker that gives the order for interment at that time or, if the deceased is a pauper, a stranger, or criminal, from the coroner, physician, or other public officer directing the burial of the deceased."

Section 15. Section 39-2-912, MCA, is amended to read:

"**39-2-912. Exemptions.** (1) This part does not apply to a discharge:

(a) that is subject to any other state or federal statute that provides a procedure or remedy for contesting the dispute. The statutes include those that prohibit discharge for filing complaints, charges, or claims with administrative bodies or that prohibit unlawful discrimination based on race, national origin, sex*, as defined in 1-1-201*, age, disability, creed, religion, political belief, color, marital status, and other similar grounds.

(b) of an employee covered by a written collective bargaining agreement or a written contract of employment for a specific term.

(2) For the purposes of this section, a contract for a specific term may contain a probationary period as provided for in 39-2-910 and may contain an automatic renewal clause that automatically renews the contract of employment for one or more successive terms."

Section 16. Section 40-1-107, MCA, is amended to read:

"**40-1-107. Form of application, license, marriage certificate, and consent.** (1) The director of the department of public health and human services shall prescribe the form for an application for a marriage license, which must include the following information:

(a) name, sex*, as defined in 1-1-201*, address, [social security number,] and date and place of birth of each party to the proposed marriage;

(b) if either party was previously married, the party's name and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;

(c) name and address of the parents or guardian of each party; and

(d) whether the parties are related to each other and, if so, their relationship.

(2) The director of the department of public health and human services shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage.

[(3) The license, certificate, or consent may not contain the social security number, and the department shall keep the number from this source confidential, except that the department may use the number in administering Title IV-D of the Social Security Act.]

(4) The information contained in the marriage license application is subject to the disclosure restrictions provided in 50-15-122(5). (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Section 17. Section 40-1-401, MCA, is amended to read:

"**40-1-401. Prohibited marriages -- contracts.** (1) The following marriages are prohibited:

(a) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

(b) a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood, or between first cousins;

(c) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood;

(d) a marriage between persons of the same sex, *as defined in 1-1-201*.

(2) Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(3) Children born of a prohibited marriage are legitimate.

(4) A contractual relationship entered into for the purpose of achieving a civil relationship that is prohibited under subsection (1) is void as against public policy."

Section 18. Section 40-5-907, MCA, is amended to read:

"**40-5-907. Case registry -- abstracts -- information required -- mandatory updating.** (1) There must be registered in the case registry an abstract of:

(a) each case, including interstate cases, receiving IV-D services provided by the department;

(b) each support order entered and each modification of an existing support order made in this state after October 1, 1998; and

(c) each subsequent order or action establishing, modifying, adjusting, granting relief from, terminating, or otherwise affecting a support order in a registered case.

(2) Each abstract must include:

(a) the name, sex, *as defined in 1-1-201*, [social security number, other] identification numbers, if any, date of birth, driver's license number, telephone number, and residential and mailing addresses of the parents;

(b) the child's name, date of birth, sex, *as defined in 1-1-201*, [social security number, if any,] and residential address if different from that of the child's custodian;

(c) the name and location of the obligee if the obligee is a person or agency other than the child's parent;

(d) the name, address, and telephone number of the obligor's employer or of another payor of income to the obligor; and

(e) (i) if the child is covered by a health or medical insurance plan and the information is available in an electronic format, the name of the insurance carrier or health benefit plan, the policy identification number, the name of the persons covered, and any other pertinent information regarding coverage; or

(ii) if the child is not covered, information as to the availability of coverage for the child through the obligor's and obligee's employers.

(3) The abstract of a support order must include:

(a) the amount of the support payment and supplemental support payments, if any, for each child and the amount of spousal maintenance if ordered in the same case;

(b) the specific day or dates the payment is due;

(c) the inclusive dates of the support obligation;

(d) the terms of any condition that may affect the amount of the payment, the due date, or the obligation to pay support;

(e) each subsequent judgment for support arrears and the amounts of any interest, late payment penalties, and fees included in the judgment;

(f) any specific child support lien imposed against real or personal property of the obligor;

(g) the terms of any medical and health coverage provision for the child; and

(h) the name and county of the judicial district or the name and address of the agency where the record of the case is located and the cause number or case identification number for the case.

(4) (a) For each IV-D case with a support order registered in the case registry, there must be a record of the date and the amount of support payments made by the obligor, dates and amounts of support collected from other sources, dates of distribution of support payments, names and locations of persons or agencies to whom support payments and collections were distributed, and the balance of support owed by the obligor.

(b) Except as provided in subsection (5), the department need not maintain payment records in a non IV-D case.

(5) A copy of each non IV-D income-withholding order must be included in the case registry. For each registered income-withholding order, there must be a record of payments received by the department from the payor under the income-withholding order, the date and amount of each payment, the date the department distributed the payment, and the person or agency to whom the payment was distributed.

(6) The statistical report required by the department under 50-15-302 may be combined with and made a part of the abstract of support order form.

(7) (a) Each support order entered or modified in this state after October 1, 1998, must include a requirement that the obligor and obligee update, as necessary, the information included in the abstract under subsection (2).

(b) The order must also provide that in a subsequent child support enforcement action, upon sufficient showing that diligent effort has been made to ascertain the location of the obligor or obligee, the court or agency taking the enforcement action may consider the due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice by regular mail to the most recent address or employer address reported to the case registry.

(c) If the support order does not include the provisions required by subsections (7)(a) and (7)(b) or if the support order was entered or last modified in this state before October 1, 1998, the department may give written notice of the provisions to the obligor and obligee. Upon receipt of the notice, the provisions have the same force and effect on the obligor and obligee as if included in the support order. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Section 19. Section 40-5-1031, MCA, is amended to read:

"**40-5-1031. Pleadings and accompanying documents.** (1) In a proceeding under this part, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under 40-5-1032, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent and the name, sex*, as defined in 1-1-201*, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(2) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency."

Section 20. Section 41-5-103, MCA, is amended to read:

"**41-5-103. Definitions.** As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.

(3) "Assessment officer" means a person who is authorized by the court to provide initial intake and evaluation for a youth who appears to be in need of intervention or an alleged delinquent youth.

(4) "Commit" means to transfer legal custody of a youth to the department or to the youth court.

(5) "Conditional release" means the release of a youth from a correctional facility subject to the terms and conditions of the conditional release agreement provided for in 52-5-126.

(6) (a) "Correctional facility" means a public secure residential facility or a private secure residential facility under contract with the department and operated to provide for the custody, treatment, training, and rehabilitation of:

(i) formally adjudicated delinquent youth;

(ii) convicted adult offenders or criminally convicted youth; or

(iii) a combination of the populations described in subsections (6)(a)(i) and (6)(a)(ii) under conditions set by the department in rule.

(b) The term does not include a state prison as defined in 53-30-101.

(7) "Cost containment pool" means an account from which funds are allocated by the office of court administrator under 41-5-132 to a judicial district that exceeds its annual allocation for juvenile out-of-home placements, programs, and services or to the department for costs incurred under 41-5-1504.

(8) "Cost containment review panel" means the panel established in 41-5-131.

(9) "Court", when used without further qualification, means the youth court of the district court.

(10) "Criminally convicted youth" means a youth who has been convicted in a district court pursuant to 41-5-206.

(11) (a) "Custodian" means a person, other than a parent or guardian, to whom legal custody of the youth has been given.

(b) The term does not include a person who has only physical custody.

(12) "Delinquent youth" means a youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth:

(a) who has committed an offense that, if committed by an adult, would constitute a criminal offense;

(b) who has been placed on probation as a delinquent youth and who has violated any condition of probation; or

(c) who has violated the terms and conditions of the youth's conditional release agreement.

(13) "Department" means the department of corrections provided for in 2-15-2301.

(14) (a) "Department records" means information or data, either in written or electronic form, maintained by the department pertaining to youth who are committed under 41-5-1513(1)(b).

(b) Department records do not include information provided by the department to the department of public health and human services' management information system or information maintained by the youth court through the office of court administrator.

(15) "Detention" means the holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for:

(a) the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case;

(b) contempt of court or violation of a valid court order; or

(c) violation of the terms and conditions of the youth's conditional release agreement.

(16) "Detention facility" means a physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.

(17) "Emergency placement" means placement of a youth in a youth care facility for less than 45 days to protect the youth when there is no alternative placement available.

(18) "Family" means the parents, guardians, legal custodians, and siblings or other youth with whom a youth ordinarily lives.

(19) "Final disposition" means the implementation of a court order for the disposition or placement of a youth as provided in 41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and 41-5-1522 through 41-5-1525.

(20) (a) "Formal youth court records" means information or data, either in written or electronic form, on file with the clerk of district court pertaining to a youth under the jurisdiction of the youth court and includes petitions, motions, other filed pleadings, court findings, verdicts, orders and decrees, and predispositional studies.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(21) "Foster home" means a private residence licensed by the department of public health and human services for placement of a youth.

(22) "Guardian" means an adult:

(a) who is responsible for a youth and has the reciprocal rights, duties, and responsibilities with the youth; and

(b) whose status is created and defined by law.

(23) "Habitual truancy" means recorded unexcused absences of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.

(24) (a) "Holdover" means a room, office, building, or other place approved by the board of crime control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility.

(b) The term does not include a jail.

(25) (a) "Informal youth court records" means information or data, either in written or electronic form, maintained by youth court probation offices pertaining to a youth under the jurisdiction of the youth court and includes reports of preliminary inquiries, youth assessment materials, medical records, school records, and supervision records of probationers.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(26) (a) "Jail" means a facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest.

(b) The term does not include a collocated juvenile detention facility that complies with 28 CFR, part 31.

(27) "Judge", when used without further qualification, means the judge of the youth court.

(28) "Juvenile home arrest officer" means a court-appointed officer administering or supervising juveniles in a program for home arrest, as provided for in Title 46, chapter 18, part 10.

(29) "Law enforcement records" means information or data, either in written or electronic form, maintained by a law enforcement agency, as defined in 7-32-201, pertaining to a youth covered by this chapter.

(30) (a) "Legal custody" means the legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:

(i) have physical custody of the youth;

(ii) determine with whom the youth shall live and for what period;

(iii) protect, train, and discipline the youth; and

(iv) provide the youth with food, shelter, education, and ordinary medical care.

(b) An individual granted legal custody of a youth shall personally exercise the individual's rights and duties as guardian unless otherwise authorized by the court entering the order.

(31) "Necessary parties" includes the youth and the youth's parents, guardian, custodian, or spouse.

(32) (a) "Out-of-home placement" means placement of a youth in a program, facility, or home, other than a custodial parent's home, for purposes other than preadjudicatory detention.

(b) The term does not include shelter care or emergency placement of less than 45 days.

(33) (a) "Parent" means the natural or adoptive parent.

(b) The term does not include:

(i) a person whose parental rights have been judicially terminated; or

(ii) the putative father of an illegitimate youth unless the putative father's paternity is established by an adjudication or by other clear and convincing proof.

(34) "Probable cause hearing" means the hearing provided for in 41-5-332.

(35) "Regional detention facility" means a youth detention facility established and maintained by two or more counties, as authorized in 41-5-1804.

(36) "Restitution" means payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to a consent adjustment, consent decree, or other youth court order.

(37) "Running away from home" means that a youth has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth.

(38) "Secure detention facility" means a public or private facility that:

(a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses or as a sanction for contempt of court, violation of the terms and conditions of the youth's conditional release agreement, or violation of a valid court order; and

(b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.

(39) "Serious juvenile offender" means a youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.

(40) "Shelter care" means the temporary substitute care of youth in physically unrestricting facilities.

(41) "Shelter care facility" means a facility used for the shelter care of youth. The term is limited to the facilities enumerated in 41-5-347.

(42) "Short-term detention center" means a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed 10 days excluding weekends and legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility, youth assessment center, or shelter care facility.

(43) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or are without the care and supervision of their parents or guardians.

(44) "Victim" means:

(a) a person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a criminal offense if committed by an adult;

(b) an adult relative of the victim, as defined in subsection (44)(a), if the victim is a minor; and

(c) an adult relative of a homicide victim.

(45) "Youth" means an individual who is less than 18 years of age without regard to sex*, as defined in 1-1-201,* or emancipation.

(46) "Youth assessment" means a multidisciplinary assessment of a youth as provided in 41-5-1203.

(47) "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

(48) "Youth care facility" has the meaning provided in 52-2-602.

(49) "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth, a youth in need of intervention, or a youth alleged to have violated the terms and conditions of the youth's conditional release agreement and includes the youth court judge, juvenile probation officers, and assessment officers.

(50) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

(a) (i) operated, administered, and staffed separately and independently of a jail; or

(ii) a collocated secure detention facility that complies with 28 CFR, part 31; and

(b) used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of the terms and conditions of the youth's conditional release agreement, or violation of a valid court order.

(51) "Youth in need of intervention" means a youth who is adjudicated as a youth and who:

(a) commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

(i) violates any Montana municipal or state law regarding alcoholic beverages; or

(ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents,

physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

(b) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention."

Section 21. Section 42-2-204, MCA, is amended to read:

"**42-2-204. Presumed knowledge of pregnancy -- duty to register to be afforded notice -- putative and presumed fathers.** (1) A person who engages in sexual relations with a member of the opposite sex*, as defined in 1-1-201,* is presumed to know that a pregnancy could result.

(2) In addition to any other notice to which the putative father is entitled, a putative father is entitled to notice of termination of parental rights proceedings for the purposes of adoption if the putative father has complied with the requirements of the putative father registry.

(3) An individual who is not married to the mother but who is presumed to be a father under 40-6-105 and registers in accordance with this part is entitled to receive notice of a termination of parental rights proceeding."

Section 22. Section 45-5-625, MCA, is amended to read:

"**45-5-625. Sexual abuse of children.** (1) A person commits the offense of sexual abuse of children if the person:

(a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;

(b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated;

(c) knowingly, by any means of communication, including electronic communication or in person, persuades, entices, counsels, coerces, encourages, directs, or procures a child under 16 years of age or a person the offender believes to be a child under 16 years of age to engage in sexual conduct, actual or simulated, or to view sexually explicit material or acts for the purpose of inducing or persuading a child to participate in any sexual activity that is illegal;

(d) knowingly processes, develops, prints, publishes, transports, distributes, sells, exhibits, or advertises any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;

(e) knowingly possesses any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;

(f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that the activity is of the nature described in those subsections;

(g) possesses with intent to sell any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;

(h) knowingly travels within, from, or to this state with the intention of meeting a child under 16 years of age or a person the offender believes to be a child under 16 years of age in order to engage in sexual conduct, actual or simulated; or

(i) knowingly coerces, entices, persuades, arranges for, or facilitates a child under 16 years of age or a person the offender believes to be a child under 16 years of age to travel within, from, or to this state with the intention of engaging in sexual conduct, actual or simulated.

(2) (a) Except as provided in subsection (2)(b), (2)(c), or (4), a person convicted of the offense of sexual abuse of children shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years and may be fined not more than $10,000.

(b) Except as provided in 46-18-219, if the victim is under 16 years of age, a person convicted of the offense of sexual abuse of children shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than $10,000.

(c) Except as provided in 46-18-219, a person convicted of the offense of sexual abuse of children for the possession of material, as provided in subsection (1)(e), shall be fined not to exceed $10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(3) An offense is not committed under subsections (1)(d) through (1)(g) if the visual or print medium is processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent to sell, or if the activity is financed, as part of a sexual offender information or treatment course or program conducted or approved by the department of corrections.

(4) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(5) As used in this section, the following definitions apply:

(a) "Electronic communication" means a sign, signal, writing, image, sound, data, or intelligence of any nature transmitted or created in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(b) "Sexual conduct" means:

(i) actual or simulated:

(A) sexual intercourse, whether between persons of the same or opposite sex*, as defined in 1-1-201*;

(B) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;

(C) bestiality;

(D) masturbation;

(E) sadomasochistic abuse;

(F) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of any person; or

(G) defecation or urination for the purpose of the sexual stimulation of the viewer; or

(ii) depiction of a child in the nude or in a state of partial undress with the purpose to abuse, humiliate, harass, or degrade the child or to arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(c) "Simulated" means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.

(d) "Visual medium" means:

(i) any film, photograph, videotape, negative, slide, or photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or

(ii) any disk, diskette, or other physical media that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method."

Section 23. Section 46-19-301, MCA, is amended to read:

"**46-19-301. Western Interstate Corrections Compact -- contents.** The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

Article I. Purpose and Policy

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment, and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on the basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment, and rehabilitation of offenders.

Article II. Definitions

As used in this compact, unless the context clearly requires otherwise:

(1) "state" means a state of the United States or, subject to the limitation contained in Article VII, Guam;

(2) "sending state" means a state party to this compact in which conviction was had;

(3) "receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had;

(4) "inmate" means a male or female*, as defined in 1-1-201,* offender who is under sentence to or confined in a prison or other correctional institution;

(5) "institution" means any prison, reformatory, or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined.

Article III. Contracts

(1) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(a) its duration;

(b) payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs, or treatment not reasonably included as part of normal maintenance;

(c) participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;

(d) delivery and retaking of inmates;

(e) such other matters as may be necessary and appropriate to fix the obligations, responsibilities, and rights of the sending and receiving states.

(2) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percent of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that moneys are legally available therefor, pay to the receiving state a reasonable sum as consideration for such enlargement of capacity or provision of equipment or structures and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(3) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

Article IV. Procedures and Rights

(1) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in or transfer of an inmate to an institution within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(2) The appropriate officials of any state party to this compact shall have access at all reasonable times to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(3) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(4) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state in order that each inmate may have the benefit of the inmate's record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(5) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(6) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this subsection shall be borne by the sending state.

(7) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(8) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits, incur or be relieved of any obligations, or have such obligations modified or the inmate's status changed on account of any action or proceeding in which the inmate could have participated if confined in any appropriate institution of the sending state located within such state.

(9) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in the person's exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

Article V. Acts Not Reviewable in Receiving State -- Extradition

(1) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(2) An inmate who escapes from an institution in which the inmate is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article VI. Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by

this compact or any contract pursuant hereto, and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

Article VII. Entry into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon, and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon, and Washington.

Article VIII. Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until 2 years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

Article IX. Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates or to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

Article X. Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Section 24. Section. 46-19-401, MCA, is amended to read:

"**46-19-401. Compact adopted -- text.** The Interstate Corrections Compact is entered into by this state with any and all other states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

Article I. Purpose and Policy

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

Article II. Definitions

As used in this compact, unless the context requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female, *as defined in 1-1-201,* offender who is committed under sentence to or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates may lawfully be confined.

Article III. Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

Article IV. Procedures and Rights

(a) Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state. For transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of the inmate's record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subsection, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or the inmate's status changed on account of any action or proceeding in which the inmate could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in the inmate's exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

Article V. Acts Not Reviewable in Receiving State -- Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which the inmate is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article VI. Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

Article VII. Entry Into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

Article VIII. Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

Article IX. Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor

to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

Article X. Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Section 25. Section 46-32-105, MCA, is amended to read:

"**46-32-105. (Temporary) Expungement.** (1) Upon entry of a certificate of innocence, the court shall order the associated convictions and arrest records expunged and purged from all applicable systems, including both electronic and hard copy systems. The court shall enter the expungement order regardless of whether the claimant has prior criminal convictions in other cases that are not the subject of the claim for compensation.

(2) The order of expungement must state:

(a) the claimant's current full name;

(b) the claimant's full name at the time of arrest and conviction, if different from the claimant's current name;

(c) the claimant's sex, *as defined in 1-1-201*, race, and date of birth;

(d) the crime for which the claimant was arrested and convicted;

(e) the date of the claimant's arrest and the date of the claimant's conviction; and

(f) the identity of the arresting law enforcement authority and the identity of the district court that rendered the conviction.

(3) The order of expungement also must direct the department of justice to purge the conviction and arrest information from the central repository of the criminal justice information network and all applicable databases. The clerk of the court shall send a certified copy of the order to the department of justice for immediate action, and the department shall carry out the order and notify the federal bureau of investigation, the department of corrections, and any other criminal justice agency that may have a record of the conviction and arrest. The department of justice shall provide confirmation of the action to the court.

(4) If a certificate of innocence and an order of expungement are entered, the claimant must be treated as not having been arrested or convicted of the crime or crimes to which the certificate of innocence applies.

(5) (a) Upon entry of a certificate of innocence:

(i) the court shall order the expungement and destruction of any associated biological samples from the claimant. The order must state the information required to be expunged and destroyed.

(ii) the court shall seal all district court records regarding the conviction. The district court records are only available upon a good cause finding by the court.

(iii) the clerk of the court shall send a certified copy of the order to the department of justice, which must carry out the order and provide confirmation of the action to the court.

(b) The department is not required to expunge and destroy any samples record associated with the claimant related to an offense other than the offense or offenses for which the court has entered a certificate of innocence.

(6) The decision to grant or deny a certificate of innocence does not have a res judicata effect on any other criminal proceedings involving the claimant. (Terminates June 30, 2023--sec. 15, Ch. 574, L. 2021.)"

Section 26. Section 49-1-102, MCA, is amended to read:

"**49-1-102. Freedom from discrimination.** (1) The right to be free from discrimination because of race, creed, religion, color, sex*, as defined in 1-1-201*, physical or mental disability, age, or national origin is recognized as and declared to be a civil right. This right must include but not be limited to:

(a) the right to obtain and hold employment without discrimination; and

(b) the right to the full enjoyment of any of the accommodation facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

(2) This section does not prevent the nonarbitrary consideration in adoption proceedings of relevant information concerning the factors listed in subsection (1). Consideration of religious factors by a licensed child-placing agency that is affiliated with a particular religious faith is not arbitrary consideration of religion within the meaning of this section."

Section 27. Section 49-2-101, MCA, is amended to read:

"**49-2-101. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Age" means number of years since birth. It does not mean level of maturity or ability to handle responsibility. These latter criteria may represent legitimate considerations as reasonable grounds for discrimination without reference to age.

(2) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, and who has been or is likely to be specially and injuriously affected by a violation of this chapter.

(3) "Commission" means the commission for human rights provided for in 2-15-1706.

(4) "Commissioner" means the commissioner of labor and industry provided for in 2-15-1701.

(5) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment. It includes without limitation the right to incur and defer debt that is secured by residential real property.

(6) "Credit transaction" means any invitation to apply for credit, application for credit, extension of credit, or credit sale.

(7) "Creditor" means a person who, regularly or as a part of the person's business, arranges for the extension of credit for which the payment of a financial charge or interest is required, whether in connection with loans, sale of property or services, or otherwise.

(8) "Department" means the department of labor and industry provided for in 2-15-1701.

(9) "Educational institution" means a public or private institution and includes an academy; college; elementary or secondary school; extension course; kindergarten; nursery; school system; university; business, nursing, professional, secretarial, technical, or vocational school; or agent of an educational institution.

(10) (a) "Employee" means an individual employed by an employer.

(b) The term does not include an individual providing services for an employer if the individual has an independent contractor exemption certificate issued under 39-71-417 and is providing services under the terms of that certificate.

(11) "Employer" means an employer of one or more persons or an agent of the employer but does not include a fraternal, charitable, or religious association or corporation if the association or corporation is not organized either for private profit or to provide accommodations or services that are available on a nonmembership basis.

(12) "Employment agency" means a person undertaking to procure employees or opportunities to work.

(13) "Financial institution" means a commercial bank, trust company, savings bank, finance company, savings and loan association, credit union, investment company, or insurance company.

(14) "Housing accommodation" means a building or portion of a building, whether constructed or to be constructed, that is or will be used as the sleeping quarters of its occupants.

(15) "Labor organization" means an organization or an agent of an organization organized for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances or terms or conditions of employment, or of other mutual aid and protection of employees.

(16) "National origin" means ancestry.

(17) (a) "Organization" means a corporation, association, or any other legal or commercial entity that engages in advocacy of, enforcement of, or compliance with legal interests affected by this chapter.

(b) The term does not include a labor organization.

(18) "Person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated employees' associations, employers, employment agencies, organizations, or labor organizations.

(19) (a) "Physical or mental disability" means:

(i) a physical or mental impairment that substantially limits one or more of a person's major life activities;

(ii) a record of such an impairment; or

(iii) a condition regarded as such an impairment.

(b) Discrimination based on, because of, on the basis of, or on the grounds of physical or mental disability includes the failure to make reasonable accommodations that are required by an otherwise qualified person who has a physical or mental disability. An accommodation that would require an undue hardship or that would endanger the health or safety of any person is not a reasonable accommodation.

(20) (a) "Public accommodation" means a place that caters or offers its services, goods, or facilities to the general public subject only to the conditions and limitations established by law and applicable to all persons. It includes without limitation a public inn, restaurant, eating house, hotel, roadhouse, place where food or alcoholic beverages or malt liquors are sold for consumption, motel, soda fountain, soft drink parlor, tavern, nightclub, trailer park, resort, campground, barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring salon or shop, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company, or hospital and all other public amusement and business establishments.

(b) Public accommodation does not include an institution, club, or place of accommodation that proves that it is by its nature distinctly private. An institution, club, or place of accommodation may not be considered by its nature distinctly private if it has more than 100 members, provides regular meal service, and regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages, directly or indirectly, from or on behalf of nonmembers, for the furtherance of trade or business. For the purposes of

this subsection (20), any lodge of a recognized national fraternal organization is considered by its nature distinctly private."

(21) "Sex" has the meaning provided in 1-1-201.

Section 28. Section 49-3-101, MCA, is amended to read:

"**49-3-101. Definitions.** As used in this chapter, the following definitions apply:

(1) "Age" means number of years since birth. It does not mean level of maturity or ability to handle responsibility, which may represent legitimate considerations as reasonable grounds for discrimination without reference to age.

(2) "Commission" means the commission for human rights provided for in 2-15-1706.

(3) (a) "Physical or mental disability" means:

(i) a physical or mental impairment that substantially limits one or more of a person's major life activities;

(ii) a record of such an impairment; or

(iii) a condition regarded as such an impairment.

(b) Discrimination based upon, because of, on the basis of, on the grounds of, or with regard to physical or mental disability includes the failure to make reasonable accommodations that are required by an otherwise qualified person who has a physical or mental disability. Any accommodation that would require an undue hardship or that would endanger the health or safety of any person is not a reasonable accommodation.

(4) "Sex" has the meaning provided in 1-1-201.

~~(4)~~*(5)* "State or local governmental agency" means:

(a) any branch, department, office, board, bureau, commission, agency, university unit, college, or other instrumentality of state government; or

(b) a county, city, town, school district, or other unit of local government and any instrumentality of local government.

~~(5)~~*(6)* "Qualifications" means qualifications that are genuinely related to competent performance of the particular occupational task."

Section 29. Section 50-5-105, MCA, is amended to read:

"**50-5-105. Discrimination prohibited.** (1) All phases of the operation of a health care facility must be without discrimination against anyone on the basis of race, creed, religion, color, national origin, sex*, as defined in 1-1-201*, age, marital status, physical or mental disability, or political ideas.

(2) (a) A health care facility may not refuse to admit a person to the facility solely because the person has an HIV-related condition.

(b) For the purposes of this subsection (2), the following definitions apply:

(i) "HIV" means the human immunodeficiency virus identified as the causative agent of acquired immunodeficiency syndrome (AIDS) and includes all HIV and HIV-related viruses that damage the cellular branch of the human immune or neurological system and leave the infected person immunodeficient or neurologically impaired.

(ii) "HIV-related condition" means any medical condition resulting from an HIV infection, including but not limited to seropositivity for HIV.

(3) A person who operates a facility may not discriminate among the patients of licensed physicians. The free and confidential professional relationship between a licensed physician and patient must continue and remain unaffected.

(4) Except for a hospital that employs its medical staff, a hospital considering an application for staff membership or granting privileges within the scope of the applicant's license may not deny the application or privileges because the applicant is licensed under Title 37, chapter 6."

Section 30. Section 50-5-602, MCA, is amended to read:

"**50-5-602. Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Family practice" means comprehensive medical care with particular emphasis on the family unit, in which the physician's continuing responsibility for health care is not limited by the patient's age or sex*, as defined in 1-1-201,* or by a particular organ system or disease entity.

(3) "Residency training" means a community-based family practice program to train family practice resident physicians, sponsored by one or more community hospitals and physicians in Montana, for inpatient and outpatient training.

(4) "Resident physician" means any physician in advanced medical specialty training."

Section 31. Section 50-11-101, MCA, is amended to read:

"**50-11-101. Definitions.** As used in this part, the following definitions apply:

(1) "Embryo" means an organism of the species Homo sapiens from the single cell stage to 8 weeks of development.

(2) "Female" has the meaning provided in 1-1-201.

~~(2)~~*(3)* "Fetus" means an organism of the species Homo sapiens from 8 weeks of development until complete expulsion or extraction from a woman's body or removal from an artificial womb or other similar environment designed to nurture the development of the organism.

~~(3)~~*(4)* "Oocyte" means the human female germ cell, the egg.

~~(4)~~*(5)* "Reproductive human cloning" means human cloning intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

~~(5)~~*(6)* "Somatic cell" means a diploid cell, having a complete set of chromosomes, obtained or derived from a living or deceased human body at any stage of development."

Section 32. Section 50-15-101, MCA, is amended to read:

"**50-15-101. Definitions.** Unless the context requires otherwise, in parts 1 through 4 the following definitions apply:

(1) "Advanced practice registered nurse" means an individual who has been certified as an advanced practice registered nurse as provided in 37-8-202.

(2) "Authorized representative" means a person:

(a) designated by an individual, in a notarized written document, to have access to the individual's vital records;

(b) who has a general power of attorney for an individual; or

(c) appointed by a court to manage the personal or financial affairs of an individual.

(3) "Dead body" means a human body or parts of a human body from which it reasonably may be concluded that death occurred.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Dissolution of marriage" means a marriage terminated pursuant to Title 40, chapter 4, part 1.

(6) "Fetal death" means death of the fetus prior to the complete expulsion or extraction from its mother as a product of conception, notwithstanding the duration of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement

of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(7) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

(8) "Invalid marriage" means a marriage decreed by a district court to be invalid for the reasons contained in 40-1-402.

(9) "Live birth" means the complete expulsion or extraction from the mother as a product of conception, notwithstanding the duration of pregnancy. The birth is indicated by the fact that after expulsion or extraction, the child breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(10) "Local registrar" means a person appointed by the department to act as its agent in administering this chapter in the area set forth in the letter of appointment.

(11) "Person in charge of disposition of a dead body" means a person who places or causes a dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise disposes of the body or fetus and who is a funeral director, an employee acting for a funeral director, or a person who first assumes custody of a dead body or fetus.

(12) "Physician" means a person legally authorized to practice medicine in this state.

(13) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the department.

(14) "Research" means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

(15) "Sex" has the meaning provided in 1-1-201.

~~(15)~~*(16)* (a) "Stillbirth" means a fetal death occurring after a minimum of 20 weeks of gestation.

(b) The term does not include an abortion, as defined in 50-20-104.

~~(16)~~*(17)* "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records. The term includes the collection of reports required by this chapter and related activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

~~(17)~~*(18)* "Vital records" means certificates or reports of birth, death, fetal death, marriage, and dissolution of marriage and related reports.

~~(18)~~*(19)* "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death, induced termination of pregnancy, marriage, and dissolution of marriage and related reports."

Section 33. Section 50-19-103, MCA, is amended to read:

"**50-19-103. Prenatal blood sample required for serological test.** (1) Every female*, as defined in 1-1-201*, regardless of age or marital status, seeking prenatal care from a health care provider is required to submit a blood specimen for the purpose of a standard serological test. In submitting the specimen to the laboratory, the health care provider shall designate it as a prenatal test.

(2) A health care provider who attends a pregnant woman shall at the first professional visit take the blood sample and submit it to a laboratory.

(3) A person permitted to attend a pregnant woman, but not permitted to take blood samples, must have the sample taken by a person permitted to take blood samples and submit it to a laboratory.

(4) A health care provider who violates this part is guilty of a misdemeanor. However, a health care provider who requests a sample of blood in accordance with this provision and whose request is refused is not guilty of a violation of this section."

Section 34. Section 50-60-214, MCA, is amended to read:

"**50-60-214. Alteration of primary function area.** (1) An alteration that affects or could affect the use of or access to a primary function area in a public building must be made to ensure, to the extent possible, that the path of travel to the altered primary function area and the restrooms, telephones, and drinking fountains serving the altered primary function area are readily accessible and usable by persons with disabilities.

(2) (a) A person or entity is not required to make alterations to provide an accessible path of travel to an altered primary function area if in terms of cost and scope the alterations to the path of travel are disproportionate to the cost of the alterations to the primary function area. Alterations to a path of travel to an altered primary function area must be considered disproportionate if the cost exceeds 20% of the cost of the alterations to the primary function area. This subsection does not prohibit an expenditure to alter a path of travel that exceeds 20% of the cost of the alterations to a primary function area.

(b) If the cost of altering a path of travel to an altered primary function area is disproportionate as provided in subsection (2)(a), the path of travel must be made accessible to the extent possible without incurring disproportionate costs. The alterations to the path of travel must be made by providing, in the following order or priority:

(i) an accessible entrance and accessible exterior route to the accessible entrance from accessible parking and passenger loading zones or from a public sidewalk if the public sidewalk is immediately adjacent to the public building site;

(ii) an accessible path of travel to the altered primary function area;

(iii) accessible restrooms for each sex*, as defined in 1-1-201,* or a single unisex restroom when allowed by the applicable building code; and

(iv) accessible elements, including but not limited to storage spaces and alarms.

(3) A person or entity subject to the provisions of this section is also subject to the provisions of 50-60-213(5)(a) and (5)(b)."

Section 35. Section 53-20-142, MCA, is amended to read:

"**53-20-142. Rights while in residential facility.** Persons admitted to a residential facility for a period of habilitation have the following rights:

(1) Residents have a right to dignity, privacy, and humane care.

(2) Residents are entitled to send and receive sealed mail. Moreover, it is the duty of the facility to foster the exercise of this right by furnishing the necessary materials and assistance.

(3) Residents must have the same rights and access to private telephone communication as patients at any public hospital except to the extent that the individual treatment planning team or the qualified intellectual disability professional responsible for formulation of a particular resident's habilitation plan writes an order imposing special restrictions and explains the reasons for the restrictions. The written order must be renewed monthly if any restrictions are to be continued.

(4) Residents have an unrestricted right to visitation except to the extent that the individual treatment planning team or the qualified intellectual disability professional responsible for formulation of a particular resident's habilitation plan writes an order imposing special restrictions and explains

the reasons for the restrictions. The written order must be renewed monthly if restrictions are to be continued.

(5) Residents have a right to receive suitable educational and habilitation services regardless of chronological age, degree of intellectual disability, or accompanying disabilities.

(6) Each resident must have an adequate allowance of neat, clean, suitably fitting, and seasonable clothing. Except when a particular kind of clothing is required because of a particular condition, residents must have the opportunity to select from various types of neat, clean, and seasonable clothing. The clothing must be considered the resident's throughout the resident's stay in the facility. Clothing, both in amount and type, must make it possible for residents to go out of doors in inclement weather, to go for trips or visits appropriately dressed, and to make a normal appearance in the community. The facility shall make provision for the adequate and regular laundering of the residents' clothing.

(7) Each resident has the right to keep and use the resident's own personal possessions except insofar as the clothes or personal possessions may be determined by the individual treatment planning team or the qualified intellectual disability professional to be dangerous either to the resident or to others.

(8) Each resident has a right to a humane physical environment within the residential facility. The facility must be designed to make a positive contribution to the efficient attainment of the habilitation goals of the resident. To accomplish this purpose:

(a) regular housekeeping and maintenance procedures that will ensure that the facility is maintained in a safe, clean, and attractive condition must be developed and implemented;

(b) pursuant to an established routine maintenance and repair program, the physical plant must be kept in a continuous state of good repair and operation so as to ensure the health, comfort, safety, and well-being of the residents and so as not to impede in any manner the habilitation programs of the residents;

(c) the physical facilities must meet all fire and safety standards established by the state and locality. In addition, the facility must meet the provisions of the life safety code of the national fire protection association that are applicable to it.

(d) there must be special facilities for nonambulatory residents to ensure their safety and comfort, including special fittings on toilets and wheelchairs. Appropriate provision must be made to permit nonambulatory residents to communicate their needs to staff.

(9) Residents have a right to receive prompt and adequate medical treatment for any physical or mental ailments or injuries or physical disabilities and for the prevention of any illness or disability. The medical treatment must meet standards of medical practice in the community. However, nothing in this subsection may be interpreted to impair other rights of a resident in regard to involuntary commitment for mental illness, use of psychotropic medication, use of hazardous, aversive, or experimental procedures, or the refusal of treatment.

(10) Corporal punishment is not permitted.

(11) The opportunity for religious worship must be accorded to each resident who desires worship. Provisions for religious worship must be made available to all residents on a nondiscriminatory basis. An individual may not be compelled to engage in any religious activities.

(12) Residents have a right to a nourishing, well-balanced diet. The diet for residents must provide at a minimum the recommended daily dietary allowance as developed by the national academy of sciences. Provisions must

be made for special therapeutic diets and for substitutes at the request of the resident, the resident's parents, guardian, or next of kin, or the responsible person appointed by the court in accordance with the religious requirements of any resident's faith. Denial of a nutritionally adequate diet may not be used as punishment.

(13) Residents have a right to regular physical exercise several times a week. It is the duty of the facility to provide both indoor and outdoor facilities and equipment for exercise. Residents have a right to be outdoors daily in the absence of contrary medical considerations.

(14) Residents have a right, under appropriate supervision, to suitable opportunities for the interaction with members of the opposite sex*, as defined in 1-1-201,* except when the individual treatment planning team or the qualified intellectual disability professional responsible for the formulation of a particular resident's habilitation plan writes an order to the contrary and explains the reasons for the order. The order must be renewed monthly if the restriction is to be continued."

Section 36. Section 53-21-121, MCA, is amended to read:

"**53-21-121. Petition for commitment -- contents of -- notice of.** (1) The county attorney, upon the written request of any person having direct knowledge of the facts, may file a petition with the court alleging that there is a person within the county who is suffering from a mental disorder and who requires commitment pursuant to this chapter.

(2) The petition must contain:

(a) the name and address of the person requesting the petition and the person's interest in the case;

(b) the name of the respondent and, if known, the address, age, sex*, as defined in 1-1-201*, marital status, and occupation of the respondent;

(c) the purported facts supporting the allegation of mental disorder, including a report by a mental health professional if any, a statement of the disposition sought pursuant to 53-21-127, and the need for commitment;

(d) the name and address of every person known or believed to be legally responsible for the care, support, and maintenance of the respondent for whom evaluation is sought;

(e) the name and address of the respondent's next of kin to the extent known to the county attorney and the person requesting the petition;

(f) the name and address of any person whom the county attorney believes might be willing and able to be appointed as friend of respondent;

(g) the name, address, and telephone number of the attorney, if any, who has most recently represented the respondent for whom evaluation is sought; if there is no attorney, there must be a statement as to whether to the best knowledge of the person requesting the petition the respondent for whom evaluation is sought is indigent and unable to afford the services of an attorney;

(h) a statement of the rights of the respondent, which must be in conspicuous print and identified by a suitable heading; and

(i) the name and address of the mental health facility to which it is proposed that the respondent may be committed, if known.

(3) Notice of the petition must be hand-delivered to the respondent and to the respondent's counsel on or before the initial appearance of the respondent before the judge or justice of the peace. The respondent's counsel shall meet with the respondent, explain the substance of the petition, and explain the probable course of the proceedings. Notice of the petition and the order setting the date and time of the hearing and the names of the respondent's counsel, professional person, and friend of respondent must be hand-delivered, mailed, or sent by a facsimile transmission to the person or persons legally responsible

for care, support, and maintenance of the respondent, the next of kin identified in the petition, any other person identified by the county attorney as a possible friend of respondent other than the one named as the friend of respondent, the director of the department or the director's designee, and the mental health facility to which the respondent may be committed, if known. The notice may provide, other than as to the respondent and the respondent's counsel, that no further notice will be given unless written request is filed with the clerk of court."

Section 37. Section 53-21-142, MCA, is amended to read:

"**53-21-142. Rights of persons admitted to facility.** Patients admitted to a mental health facility, whether voluntarily or involuntarily, have the following rights:

(1) Patients have a right to privacy and dignity.

(2) Patients have a right to the least restrictive conditions necessary to achieve the purposes of commitment. Patients must be accorded the right to appropriate treatment and related services in a setting and under conditions that:

(a) are the most supportive of the patient's personal liberty; and

(b) restrict the patient's liberty only to the extent necessary and consistent with the patient's treatment need, applicable requirements of law, and judicial orders.

(3) Patients have rights to visitation and reasonable access to telephone communications, including the right to converse with others privately, except to the extent that the professional person responsible for formulation of a particular patient's treatment plan writes an order imposing special restrictions. The written order must be renewed after each periodic review of the treatment plan if any restrictions are to be continued. Patients have an unrestricted right to visitation with attorneys, with spiritual counselors, and with private physicians and other professional persons.

(4) Patients have an unrestricted right to send sealed mail. Patients have an unrestricted right to receive sealed mail from their attorneys, private physicians and other professional persons, the mental disabilities board of visitors, courts, and government officials. Patients have a right to receive sealed mail from others except to the extent that a professional person responsible for formulation of a particular patient's treatment plan writes an order imposing special restrictions on receipt of sealed mail. The written order must be renewed after each periodic review of the treatment plan if any restrictions are to be continued.

(5) Patients have an unrestricted right to have access to letter-writing materials, including postage, and have a right to have staff members of the facility assist persons who are unable to write, prepare, and mail correspondence.

(6) Patients have a right to wear their own clothes and to keep and use their own personal possessions, including toilet articles, except to the extent that clothes or personal possessions may be determined by a professional person in charge of the patient's treatment plan to be dangerous or otherwise inappropriate to the treatment regimen. The facility has an obligation to supply an adequate allowance of clothing to any patients who do not have suitable clothing of their own. Patients must have the opportunity to select from various types of neat, clean, and seasonable clothing. The clothing must be considered the patient's throughout the patient's stay at the facility. The facility shall make provision for the laundering of patient clothing.

(7) Patients have the right to keep and be allowed to spend a reasonable sum of their own money.

(8) Patients have the right to religious worship. Provisions for worship must be made available to all patients on a nondiscriminatory basis. An individual may not be required to engage in any religious activities.

(9) Patients have a right to regular physical exercise several times a week. The facility shall provide facilities and equipment for physical exercise. Patients have a right to be outdoors at regular and frequent intervals in the absence of contrary medical considerations.

(10) Patients have the right to be provided, with adequate supervision, suitable opportunities for interaction with members of the opposite sex*, as defined in 1-1-201,* except to the extent that a professional person in charge of the patient's treatment plan writes an order stating that the interaction is inappropriate to the treatment regimen.

(11) Patients have a right to receive prompt and adequate medical treatment for any physical ailments. In providing medical care, the mental health facility shall take advantage of whatever community-based facilities are appropriate and available and shall coordinate the patient's treatment for mental illness with the patient's medical treatment.

(12) Patients have a right to a diet that will provide at a minimum the recommended daily dietary allowances as developed by the national academy of sciences. Provisions must be made for special therapeutic diets and for substitutes at the request of the patient or the friend of respondent in accordance with the religious requirements of any patient's faith. Denial of a nutritionally adequate diet may not be used as punishment.

(13) Patients have a right to a humane psychological and physical environment within the mental health facilities. These facilities must be designed to afford patients with comfort and safety, promote dignity, and ensure privacy. The facilities must be designed to make a positive contribution to the efficient attainment of the treatment goals set for the patient. In order to ensure the accomplishment of this goal:

(a) regular housekeeping and maintenance procedures that will ensure that the facility is maintained in a safe, clean, and attractive condition must be developed and implemented;

(b) there must be special provision made for geriatric and other nonambulatory patients to ensure their safety and comfort, including special fittings on toilets and wheelchairs. Appropriate provision must be made to permit nonambulatory patients to communicate their needs to the facility staff.

(c) pursuant to an established routine maintenance and repair program, the physical plant of each facility must be kept in a continuous state of good repair and operation in accordance with the needs of the health, comfort, safety, and well-being of the patients;

(d) each facility must meet all fire and safety standards established by the state and locality. In addition, any hospital must meet the provisions of the life safety code of the national fire protection association that are applicable to hospitals. A hospital must meet all standards established by the state for general hospitals to the extent that they are relevant to psychiatric facilities.

(14) A patient at a facility has the right:

(a) to be informed of the rights described in this section at the time of admission and periodically after admission in language and terms appropriate to the patient's condition and ability to understand;

(b) to assert grievances with respect to infringement of the rights described in this section, including the right to have a grievance considered in a fair and timely manner according to an impartial grievance procedure that must be provided for by the facility; and

(c) to exercise the rights described in this section without reprisal and may not be denied admission to the facility as reprisal for the exercise of the rights described in this section.

(15) In order to assist a person admitted to a program or facility in the exercise or protection of the patient's rights, the patient's attorney, advocate, or legal representatives must be given reasonable access to:

(a) the patient;

(b) the program or facility areas where the patient has received treatment or has resided or the areas to which the patient has had access; and

(c) pursuant to the written authorization of the patient, records and information pertaining to the patient's diagnosis, treatment, and related services.

(16) A person admitted to a facility must be given access to any available individual or service that provides advocacy for the protection of the person's rights and that assists the person in understanding, exercising, and protecting the person's rights as described in this section.

(17) This section may not:

(a) obligate a professional person to administer treatment contrary to the professional's clinical judgment;

(b) prevent a facility from discharging a patient for whom appropriate treatment, consistent with the clinical judgment of a professional person responsible for the patient's treatment, is or has become impossible to administer because of the patient's refusal to consent to the treatment;

(c) require a facility to admit a person who has, on prior occasions, repeatedly withheld consent to appropriate treatment; or

(d) obligate a facility to treat a person admitted to the facility solely for diagnostic evaluation."

Section 38. Section 60-5-514, MCA, is amended to read:

"**60-5-514. Business eligibility -- criteria -- restrictions.** (1) To be eligible for placement of a business sign on a specific information sign panel, a business establishment shall meet standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended.

(2) (a) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, *as defined in 1-1-201*, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(3) No business that owns any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a specific information sign for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131."

Section 39. Section 60-5-522, MCA, is amended to read:

"**60-5-522. Business eligibility -- criteria -- restrictions.** (1) To be eligible for business identification on a tourist-oriented directional sign, a business establishment shall meet the following standards for a business, service, or activity:

(a) Gas, food, lodging, and camping services must:

(i) be licensed and approved by the state and local agencies regulating the particular type of business;

(ii) provide an acceptable level of service to the public;

(iii) be in continuous operation at least 8 hours a day, 5 days a week, including Saturday or Sunday; and

(iv) have a telephone and restroom facilities available for public use.

(b) Recreation services must:

(i) be licensed and approved by state and local agencies as required by law;

(ii) provide to families and the public activities of interest in which people participate for purposes of physical exercise, collective amusement, or enjoyment of nature. Such activities may include hiking, golfing, skiing, boating, swimming, picnicking, fishing, and horseback riding.

(c) Tourist services must:

(i) be licensed as required by law;

(ii) be open to the public at least 8 hours a day, 5 days a week, including Saturday or Sunday, during the normal tourist season; and

(iii) provide a natural, recreational, historical, cultural, educational, or entertainment activity or a unique or unusual commercial or nonprofit activity, from which the major portion of income or visitors is derived during normal business seasons from motorists not residing in the immediate area of the activity.

(2) Priority under subsection (1)(a) must be given to businesses that are in continuous operation for 12 months a year.

(3) (a) Each business identified on a tourist-oriented directional sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, *as defined in 1-1-201*, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(4) A business that owns any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may not be eligible for business identification on a tourist-oriented directional sign for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131."

Section 40. Section 61-5-107, MCA, is amended to read:

"**61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, *as defined in 1-1-201*, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in

another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium.

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law.

(5) An individual who is under 26 years of age but at least 15 years of age and who is required to register in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity to fulfill those registration requirements in conjunction with an application for a learner license, driver's license, commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age. Any registration information supplied on the application must be transmitted by the department to the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Section 41. Section 72-1-103, MCA, is amended to read:

"**72-1-103. General definitions.** Subject to additional definitions contained in the subsequent chapters that are applicable to specific chapters, parts, or sections and unless the context otherwise requires, in chapters 1 through 6, the following definitions apply:

(1) "Agent" includes an attorney-in-fact under a durable or nondurable power of attorney, an individual authorized to make decisions concerning another's health care, and an individual authorized to make decisions for another under a natural death act.

(2) "Application" means a written request to the clerk for an order of informal probate or appointment under chapter 3, part 2.

(3) "Beneficiary", as it relates to:

(a) a trust beneficiary, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer;

(b) a charitable trust, includes any person entitled to enforce the trust;

(c) a beneficiary of a beneficiary designation, refers to a beneficiary of:

(i) an account with POD designation or a security registered in beneficiary form (TOD); or

(ii) any other nonprobate transfer at death; and

(d) a beneficiary designated in a governing instrument, includes a grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a beneficiary designation, a donee, and a person in whose favor a power of attorney or a power held in any individual, fiduciary, or representative capacity is exercised.

(4) "Beneficiary designation" refers to a governing instrument naming a beneficiary of:

(a) an account with POD designation or a security registered in beneficiary form (TOD); or

(b) any other nonprobate transfer at death.

(5) "Child" includes an individual entitled to take as a child under chapters 1 through 5 by intestate succession from the parent whose relationship is involved and excludes a person who is only a stepchild, a foster child, a grandchild, or any more remote descendant.

(6) (a) "Claims", in respect to estates of decedents and protected persons, includes liabilities of the decedent or protected person, whether arising in contract, in tort, or otherwise, and liabilities of the estate that arise at or after the death of the decedent or after the appointment of a conservator, including funeral expenses and expenses of administration.

(b) The term does not include estate taxes or demands or disputes regarding title of a decedent or protected person to specific assets alleged to be included in the estate.

(7) "Clerk" or "clerk of court" means the clerk of the district court.

(8) "Conservator" means a person who is appointed by a court to manage the estate of a protected person.

(9) "Court" means the district court in this state having jurisdiction in matters relating to the affairs of decedents.

(10) "Descendant" of an individual means all of the individual's descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in this code.

(11) "Devise" when used as a noun means a testamentary disposition of real or personal property and when used as a verb means to dispose of real or personal property by will.

(12) "Devisee" means a person designated in a will to receive a devise. For purposes of chapter 3, in the case of a devise to an existing trust or trustee or to a trustee or trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.

(13) "Disability" means cause for a protective order as described by 72-5-409.

(14) "Distributee" means any person who has received property of a decedent from the decedent's personal representative other than as a creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment to distributed assets remaining in the trustee's hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee

of the personal representative. For purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will, to the extent of the devised assets.

(15) "Estate" includes the property of the decedent, trust, or other person whose affairs are subject to chapters 1 through 5 as originally constituted and as it exists from time to time during administration.

(16) "Exempt property" means that property of a decedent's estate that is described in 72-2-413.

(17) "Fiduciary" includes a personal representative, guardian, conservator, and trustee.

(18) "Foreign personal representative" means a personal representative appointed by another jurisdiction.

(19) "Formal proceedings" means proceedings conducted before a judge with notice to interested persons.

(20) "Governing instrument" means a deed; will; trust; insurance or annuity policy; account with POD designation; security registered in beneficiary form (TOD); pension, profit-sharing, retirement, or similar benefit plan; instrument creating or exercising a power of appointment or a power of attorney; or dispositive, appointive, or nominative instrument of any similar type.

(21) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment but excludes one who is merely a guardian ad litem.

(22) "Heirs", except as controlled by 72-2-721, means persons, including the surviving spouse and the state, who are entitled under the statutes of intestate succession to the property of a decedent.

(23) "Incapacitated person" has the meaning provided in 72-5-101.

(24) "Informal proceedings" means proceedings conducted without notice to interested persons by the clerk of court for probate of a will or appointment of a personal representative.

(25) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person. The term also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of and matter involved in any proceeding.

(26) "Issue" of a person means a descendant.

(27) "Joint tenants with the right of survivorship" includes co-owners of property held under circumstances that entitle one or more to the whole of the property on the death of the other or others but excludes forms of co-ownership registration in which the underlying ownership of each party is in proportion to that party's contribution.

(28) "Lease" includes an oil, gas, coal, or other mineral lease.

(29) "Letters" includes letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.

(30) "Minor" means a person who is under 18 years of age.

(31) "Mortgage" means any conveyance, agreement, or arrangement in which property is used as security.

(32) "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of death.

(33) "Organization" means a corporation, business trust, estate, trust, partnership, joint venture, association, government or governmental subdivision or agency, or any other legal or commercial entity.

(34) "Parent" includes any person entitled to take, or who would be entitled to take if the child died without a will, as a parent under chapters 1 through 5 by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.

(35) "Payor" means a trustee, insurer, business entity, employer, government, governmental agency or subdivision, or any other person authorized or obligated by law or a governing instrument to make payments.

(36) "Person" means an individual, a corporation, an organization, or other legal entity.

(37) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.

(38) "Petition" means a written request to the court for an order after notice.

(39) "Proceeding" includes action at law and suit in equity.

(40) "Property" includes both real and personal property or any interest in that property and means anything that may be the subject of ownership.

(41) "Protected person" has the meaning provided in 72-5-101.

(42) "Protective proceeding" has the meaning provided in 72-5-101.

(43) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(44) "Security" includes any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; collateral trust certificate; transferable share; voting trust certificate; in general, any interest or instrument commonly known as a security; any certificate of interest or participation; or any temporary or interim certificate, receipt, or certificate of deposit for or any warrant or right to subscribe to or purchase any of the foregoing.

(45) "Settlement", in reference to a decedent's estate, includes the full process of administration, distribution, and closing.

(46) "Sign" means, with present intent to authenticate or adopt a record other than a will:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic symbol, sound, or process.

(47) "Special administrator" means a personal representative as described by chapter 3, part 7.

(48) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(49) "Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.

(50) "Successors" means persons, other than creditors, who are entitled to property of a decedent under the decedent's will or chapters 1 through 5.

(51) "Supervised administration" refers to the proceedings described in chapter 3, part 4.

(52) "Survive" means that an individual has neither predeceased an event, including the death of another individual, nor is considered to have predeceased an event under 72-2-114 or 72-2-712. The term includes its derivatives, such as "survives", "survived", "survivor", and "surviving".

(53) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

(54) "Testator" includes an individual of either sex*, as defined in 1-1-201*.

(55) "Trust" includes an express trust, private or charitable, with additions to the trust, wherever and however created. The term also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. The term excludes other constructive trusts and excludes resulting trusts; conservatorships; personal representatives; trust accounts as defined in 72-6-111 and Title 72, chapter 6, parts 2 and 3; custodial arrangements pursuant to chapter 26; business trusts providing for certificates to be issued to beneficiaries; common trust funds; voting trusts; security arrangements; liquidation trusts; trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind; and any arrangement under which a person is nominee or escrowee for another.

(56) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.

(57) "Ward" means an individual described in 72-5-101.

(58) "Will" includes codicil and any testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession."

Section 42. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved May 19, 2023

CHAPTER NO. 686

[SB 487]

AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; REVISING CREDENTIALS VALID FOR A DRIVER'S LICENSE APPLICATION; REVISING PROCEDURE FOR REVOCATION OF A DRIVER'S LICENSE; ALLOWING A PERSON TO HAVE ONLY ONE NONVOIDED DRIVER'S LICENSE OR IDENTIFICATION CARD; AND AMENDING SECTIONS 61-5-107, 61-5-110, 61-5-201, 61-11-101, 61-12-501, AND 61-12-504, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-5-107, MCA, is amended to read:

"**61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form furnished by the department. ~~Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.~~ A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number],

must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium.

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law.

(5) An individual who is under 26 years of age but at least 15 years of age and who is required to register in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity to fulfill those registration requirements in conjunction with an application for a learner license, driver's license, commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age. Any registration information supplied on the application must be transmitted by the department to the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Section 2. Section 61-5-110, MCA, is amended to read:

"**61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a driver's license, the department shall conduct a check of the applicant's driving record by querying the national driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system, established under 49 U.S.C. 31309.

(2) (a) The department shall examine each applicant for a driver's license or motorcycle endorsement, except as otherwise provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test examining the applicant's ability to read and understand highway signs and the applicant's knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or motorcycle. The road test or skills test must be performed by the applicant in a motor vehicle that the applicant certifies is representative of the class and type of motor vehicle for which the applicant is seeking a license or endorsement.

(b) The knowledge test, road test, or skills test may be waived by the department:

(i) upon certification of the applicant's successful completion of the test by a certified cooperative driver testing program as provided in subsection (3) or by a certified third-party commercial driver testing program as provided in 61-5-118; or

(ii) in accordance with a driver's license reciprocity agreement between the department and a foreign country.

(c) The skills test may be waived by the department upon the applicant's completion of the requirements of 61-5-123.

(3) The department is authorized to certify as a cooperative driver testing program any state-approved high school traffic education course offered by or in cooperation with a school district that employs an approved instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic education or any motorcycle safety training course approved by the board of regents and that employs an approved instructor of motorcycle safety training and who agrees to:

(a) administer standardized knowledge and road tests or skills tests required by the department to students participating in the district's high school traffic education courses or motorcycle safety training courses approved by the board of regents;

(b) certify the test results to the department; and

(c) comply with regulations of the department, the superintendent of public instruction, and the board of regents.

(4) (a) Except as otherwise provided by law, an applicant who has a ~~valid~~ driver's license issued by another jurisdiction *that is currently valid or expired for less than 1 year* may surrender that license for a Montana license of the same class, type, and endorsement upon payment of the required fees and successful completion of a vision examination. In addition, an applicant surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any examination required by federal regulations before being issued a commercial driver's license by the department.

(b) The department may require an applicant who surrenders a ~~valid~~ driver's license issued by another jurisdiction *that is currently valid or expired for less than 1 year* to submit to a knowledge and road or skills test if:

(i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the surrendered license does not include readily discernible adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

(c) When a license from another jurisdiction is surrendered, the department shall notify the issuing agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain the license from another jurisdiction for identification or other nondriving purposes, the department shall place a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return the marked license to the applicant.

(5) The department may enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the department determines that the licensing standards of the foreign country are comparable to those of this state. The agreement may not include the reciprocal exchange of a commercial driver's license."

Section 3. Section 61-5-201, MCA, is amended to read:

"**61-5-201. Authority of department to cancel license.** (1) The department may cancel a driver's license if it has reasonable grounds to believe that:

(a) the licensee was not entitled to the issuance;

(b) since the issuance, the licensee has become ineligible as determined pursuant to the provisions of 61-5-105; ~~or~~

(c) the licensee failed to give the required or correct information in the licensee's application or committed any fraud in making the application*; or*

(d) the licensee has applied for another driver's license or an identification card issued by the department.

(2) Upon cancellation, the licensee shall surrender the canceled license to the department.

(3) A person whose driver's license is canceled because the person failed to give the required or correct information on the application or committed any fraud in making the application is disqualified from operating a commercial motor vehicle for a period of 60 days from the date of the cancellation."

Section 4. Section 61-11-101, MCA, is amended to read:

"**61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory the ~~suspension or~~ revocation of the driver's license or commercial driver's license of the person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then held by the convicted person. The court shall~~, within 5 days after the conviction,~~ forward the ~~license and a record of the~~ conviction to the department *and destroy the driver's licenses*. ~~If the person does not possess a driver's license, the court shall indicate that fact in its report to the department.~~

(2) A court having jurisdiction over offenses committed under a statute of this state or a municipal ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction. The court may recommend that the

department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in which the conviction occurs shall require the person to surrender the registry identification card or license.

(b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy of the conviction to the department of revenue."

Section 5. Section 61-12-501, MCA, is amended to read:

"**61-12-501. Authority of department to issue identification cards -- lawful presence verification.** (1) The department may issue an identification card to any person who maintains a residence in this state and whose presence in the United States is authorized under federal law.

(2) When an applicant who is not a citizen of the United States applies for an identification card, the department shall verify that the applicant is lawfully present in the United States by using the federal systematic alien verification for entitlements program.

(3) A person may only have one nonvoided driver's license or identification card issued by the department at any time."

Section 6. Section 61-12-504, MCA, is amended to read:

"**61-12-504. Fees for identification cards -- expiration of cards.**

(1) Upon application for an identification card issued pursuant to this part, a fee ~~of $16~~ *of $16* must be collected and deposited in the general fund~~, except that the fee for a card issued under subsection (3)(b) is $8~~.

(2) A person with a disability, as defined in 39-30-103, may obtain a free identification card. An individual discharged from any correctional facility must be furnished a free identification card upon release, discharge, or parole.

(3) (a) ~~Except as provided in subsections (3)(b) and (3)(c), an~~ *An* identification card expires on the anniversary of the cardholder's date of birth 8 years after the date of issue.

~~(b) An identification card issued to a person who is under 21 years of age expires on the anniversary of the cardholder's date of birth 4 years after the card's issue date.~~

~~(c)~~*(b)* An identification card issued to a person whose presence in the United States is temporarily authorized under federal laws expires, as determined by the department, no later than the expiration date of the official document issued to the person by the United States citizenship and immigration services of the department of homeland security that authorizes the person's presence in the United States."

Approved May 19, 2023

CHAPTER NO. 687

[SB 490]

AN ACT GENERALLY REVISING THE LEGISLATURE'S INVESTIGATIVE POWERS; PROVIDING FOR THE SCOPE AND APPLICATION OF THE LEGISLATURE'S INVESTIGATIVE POWERS; REVISING SUBPOENA LAWS REGARDING WITNESSES AND THE PRODUCTION OF RECORDS; PROVIDING DEFINITIONS; PROVIDING FOR A MISDEMEANOR; PROVIDING FOR THE SENATE'S SUBPOENA AUTHORITY DURING AN IMPEACHMENT PROCEEDING; AMENDING SECTIONS 5-5-101, 5-5-102, AND 5-5-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Scope and application of legislature investigative powers. (1) (a) Pursuant to Article V, section 1, of the Montana constitution, the legislative power is vested in the legislature consisting of a senate and a house of representatives.

(b) The constitutional legislative power includes the legislature's broad power to investigate any subject related to enacting law, the implementation of enacted law, and the expenditure of money appropriated by the legislature.

(c) The presumption of constitutionality of legislative actions applies to legislative investigations.

(2) The broad scope and application of the legislature's investigative powers include but are not limited to the power to investigate:

(a) any subject regarding information in connection with the proper discharge of the legislature's function to enact, amend, or repeal statutes, appropriate money, audit state and local government finances and programs, or perform any other act delegated to the legislature by the constitution;

(b) any subject in which there is a legitimate use that the legislature can make of the information being sought;

(c) the management of state institutions and public agencies, as defined in 2-6-1002;

(d) matters concerning the administration of existing laws, proposed laws, or potentially necessary laws; and

(e) matters concerning defects in any social, political, or economic system to remedy those defects.

(3) The application and exercise of the legislature's investigative power must protect the rights of all persons and adhere to all state and federal constitutional protections related to privacy, life, liberty, and property.

Section 2. Section 5-5-101, MCA, is amended to read:

"**5-5-101. Subpoenas -- *witnesses -- records.*** (1) A subpoena requiring the attendance of any witness before either house of the legislature, ~~or~~ a

committee of either house*, a committee established under legislative rules, or a statutory committee or an interim committee* may be issued by the president of the senate, the speaker of the house, or the presiding officer of any committee before whom the attendance of the witness is desired.

(2) A subpoena *compelling attendance of a witness* is sufficient if:

(a) it states whether the proceeding is before the house of representatives, the senate, or a committee;

(b) it states the legislative purpose for issuing the subpoena;

~~(b)~~*(c)* it is addressed to the witness;

~~(c)~~*(d)* it requires the attendance of the witness at a time and place certain; *and*

~~(d)~~*(e)* it is signed by the president of the senate, *the* speaker of the house, or *the* presiding officer of a committee.

(3) (a) In the discharge of its duties, either house of the legislature, a committee of either house, a committee established under legislative rules, or a statutory committee or an interim committee may issue a subpoena to compel the production of a record that is fixed in any medium and is retrievable from a person that is in possession, custody, or control of the record.

(b) A subpoena compelling the production of a record is sufficient if:

(i) it states whether the proceeding is before the house of representatives, the senate, or a committee;

(ii) it states the legislative purpose for issuing the subpoena;

(iii) it provides a description of the records being compelled for production;

(iv) it is addressed to a person;

(v) except as provided in subsection (3)(c), it requires the production of a record at a date and place certain, but not later than 10 business days from receipt of the subpoena; and

(vi) it is signed by the president of the senate, the speaker of the house, or the presiding officer of a committee.

(c) (i) A person that is served a subpoena to produce records that may include confidential information shall notify the presiding officer that signed the subpoena and submit a written notice of denial and a written explanation for the denial pursuant to 2-6-1009.

(ii) A person served a subpoena under subsection (3)(c)(i), may request additional time to produce the records pursuant to subsection (3)(b)(v).

(4) For the purposes of this section:

(a) "Confidential information" has the meaning provided in 2-6-1002; and

(b) "Person" has the meaning provided in 2-5-103."

Section 3. Section 5-5-102, MCA, is amended to read:

"**5-5-102. Service of subpoenas.** The subpoena may be served by any elector of the state, and the elector's affidavit that the elector delivered a copy to the witness *or the person compelled to produce records under 5-5-101(3)* is evidence of service."

Section 4. Section 5-5-103, MCA, is amended to read:

"**5-5-103. Contempt -- *misdemeanor.*** *(1)* If a witness neglects or refuses to obey a subpoena or, appearing, neglects or refuses to testify, the senate or house may, by resolution entered on the journal, commit the witness for contempt.

(2) If a person compelled to produce records under 5-5-101(3) neglects or refuses to obey a subpoena, the senate or house may, by resolution entered on the journal, commit the witness for contempt.

(3) A person who neglects or refuses to obey a subpoena under subsection (1) or (2) is guilty of a misdemeanor punishable as provided in 46-18-212."

Section 5. Senate subpoenas. A subpoena issued by the senate during an impeachment proceeding has the same force and effect as a subpoena from a district court in a criminal action.

Section 6. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 5, chapter 5, part 1, and the provisions of Title 5, chapter 5, part 1, apply to [section 1].

(2) [Section 5] is intended to be codified as an integral part of Title 5, chapter 5, part 4, and the provisions of Title 5, chapter 5, part 4, apply to [section 5].

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 688

[SB 498]

AN ACT REVISING LAWS RELATED TO ABSENTEE BALLOTS; REQUIRING ABSENTEE BALLOT LISTS TO BE INCLUDED IN ANNUAL VOTER REGISTRATION LIST MAINTENANCE; REQUIRING ADDRESS VERIFICATION FOR AN ELECTOR WHEN AN ABSENTEE BALLOT IS RETURNED AS UNDELIVERABLE; REQUIRING AN ELECTOR TO BE MOVED TO THE INACTIVE LIST IF THE ADDRESS THE ELECTOR PROVIDED CANNOT BE VERIFIED; AMENDING SECTIONS 13-2-220 AND 13-19-313, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-2-220, MCA, is amended to read:

"**13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following procedures, at least one of which an election administrator shall follow annually:

(a) compare the entire list of registered electors*, including electors on the absentee ballot list,* against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors*, including electors on the absentee ballot list,* of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors*, including electors on the absentee ballot list,* who failed to vote in the preceding federal general election, applicants who failed to provide required information on registration forms, and provisionally registered electors by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

~~(2) An individual who submits an application for an absentee ballot for a federal general election or who completes and returns the address confirmation notice specified in 13-13-212(4) during the calendar year in which a federal general election is held is not subject to the procedure in subsection~~

~~(1)(c) unless the individual's ballot for a federal general election is returned as undeliverable and the election administrator is not able to contact the elector through the most expedient means available to resolve the issue.~~

~~(3)~~*(2) (a)* Any notices returned as undeliverable to the election administrator or any notices to which the elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice.

(b) If the elector fails to respond within 30 days of the final confirmation notice, after the 30th day, the election administrator shall move the elector to the inactive list *and work with the secretary of state's office and the motor vehicle division in the department of justice to verify the elector's address.*

(c) If the election administrator is not able to verify the elector's address, the elector must be placed on the inactive list until they follow the procedure in 13-2-222 or 13-2-304, as applicable.

~~(4)~~*(3)* A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.

~~(5)~~*(4)* An elector's registration may be reactivated pursuant to 13-2-222 or may be cancelled pursuant to 13-2-402."

Section 2. Section 13-19-313, MCA, is amended to read:

"**13-19-313. Notice to elector -- opportunity to resolve questions.** Notice to the elector and the opportunity to resolve questions must be as provided in 13-13-245, except as follows:

(1) If a mail ballot is returned as undeliverable, the election administrator shall attempt to contact the elector by the most expedient means available to determine the reason for the return and mail a confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice.

(2) If the confirmation notice is returned to the election administrator, the election administrator shall place the elector on the inactive list provided for in 13-2-220 until the elector becomes a qualified elector. *In order to become a qualified voter, an elector shall follow the procedure in 13-2-222 or 13-2-304, as applicable.*"

Section 3. Effective date. [This act] is effective July 1, 2023.

Approved May 19, 2023

CHAPTER NO. 689

[SB 505]

AN ACT REVISING LAWS RELATED TO THE CALCULATION OF TAX INCREMENT FOR DISTRICTS THAT USE TAX INCREMENT FINANCING; CLARIFYING THE APPLICABILITY OF EXCLUSIONS FROM TAX INCREMENT FINANCING; AMENDING SECTIONS 7-15-4286 AND 71-3-1506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4286, MCA, is amended to read:

"**7-15-4286. Procedure to determine and disburse tax increment -- remittance of excess portion of tax increment for targeted economic development district.** (1) ~~Mill~~ *(a) Except as provided in subsection (1)(b), mill* rates of taxing bodies for taxes levied after the effective date of the tax increment provision must be calculated on the basis of the sum of the taxable

value, as shown by the last equalized assessment roll, of all taxable property located outside the urban renewal area or targeted economic development district and the base taxable value of all taxable property located within the area or district. The mill rate determined must be levied against the sum of the actual taxable value of all taxable property located within as well as outside the area or district.

(b) If a mill levy is excluded from the tax increment calculation pursuant to subsections (2)(b) through (2)(d), the calculation pursuant to subsection (1)(a) must use the total taxable value of all property located within the area or district.

(2) (a) Except as provided in subsections (2)(b)~~, (2)(c),~~ *through (2)(d)* and (3), the tax increment, if any, received in each year from the levy of the combined mill rates of all the affected taxing bodies against the incremental taxable value within the area or district must be paid into a special fund held by the treasurer of the local government and used as provided in 7-15-4282 through 7-15-4294.

(b) For targeted economic development districts and urban renewal areas created before April 6, 2017, the combined mill rates used to calculate the tax increment may not include the mill rates for the university system mills levied pursuant to 15-10-109 and 20-25-439.

~~(b)~~*(c)* For targeted economic development districts ~~in existence prior to~~ *created on or after April 6, 2017, and before* July 1, 2022, and urban renewal areas *created on or after April 6, 2017*, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439; and

(ii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.

~~(c)~~*(d)* For targeted economic development districts created after June 30, 2022, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439;

(ii) one-half of the elementary, high school, and state equalization mills levied pursuant to 20-9-331, 20-9-333, and 20-9-360;

(iii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision; and

(iv) any portion of an existing mill levy designated by the local government as excluded from the tax increment.

(3) (a) Subject to 7-15-4287 and subsection (3)(b) of this section, a targeted economic development district with a tax increment provision adopted after October 1, 2019, may expend or accumulate tax increment for:

(i) the payment of the costs listed in 7-15-4288;

(ii) the cost of issuing bonds; or

(iii) any pledge to the payment of the principal of any premium, if any, and interest on the bonds issued pursuant to 7-15-4289 and sufficient to fund any reserve fund in respect of the bonds in an amount not to exceed 125% of the maximum principal and interest on the bonds in any year during the term of the bonds.

(b) Any excess tax increment remaining after the use or accumulation of funds as set forth in subsection (3)(a) must be:

(i) remitted to each taxing jurisdiction for which the mill rates are included in the calculation of the tax increment as provided in subsections (1) and (2); and

(ii) proportional to the taxing jurisdiction's share of the total mills levied.

(c) A targeted economic development district is not subject to the provisions of this subsection (3) if bonds have not been issued to finance the project.

(4) Any portion of the excess tax increment remitted to a school district pursuant to subsection (3) is subject to the provisions of 7-15-4291(2) through (5).

(5) The balance of the taxes collected in each year must be paid to each of the taxing bodies as otherwise provided by law."

Section 2. Section 71-3-1506, MCA, is amended to read:

"**71-3-1506. Tax deficiency lien.** A municipality has a lien for tax deficiency payments as described in a properly filed agreement for tax deficiency payment pursuant to 7-15-4294. The lien has the same priority as a lien for general property taxes. Lien proceeds must be disbursed pursuant to 7-15-4286(2)*(a)*."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 690

[SB 506]

AN ACT REVISING THE TAX CREDIT FOR CONTRIBUTIONS TO A QUALIFIED ENDOWMENT; REVISING THE MAXIMUM DONATION THAT QUALIFIES FOR THE CREDIT; REPEALING THE TERMINATION DATE OF THE CREDIT; AMENDING SECTIONS 15-30-2328, 15-30-2329, 15-31-161, AND 15-31-162, MCA; REPEALING SECTION 9, CHAPTER 537, LAWS OF 1997, SECTION 5, CHAPTER 226, LAWS OF 2001, SECTION 7, CHAPTER 4, LAWS OF 2005, SECTIONS 2, 3, 4, AND 7, CHAPTER 208, LAWS OF 2007, SECTIONS 2, 3, 4, 5, 6, 7, 8, AND 11, CHAPTER 317, LAWS OF 2013, AND SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15, CHAPTER 254, LAWS OF 2019; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-2328, MCA, is amended to read:

"**15-30-2328. (Temporary) Credit for contributions to qualified endowment -- recapture of credit -- deduction included as income.** (1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-2103 or 15-31-101 in an amount equal to 40% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is $10,000. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) The credit allowed under this section may not be claimed by an individual taxpayer if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-30-2131(1) or 15-30-2152(2).

(3) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(4) If during any tax year a charitable gift is recovered by the taxpayer, the taxpayer shall:

(a) include as income the amount deducted in any prior year that is attributable to the charitable gift to the extent that the deduction reduced the taxpayer's individual income tax or corporate income tax; and

(b) increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken.

15-30-2328. ~~(Temporary -- effective January 1, 2024)~~ Credit for contributions to qualified endowment -- recapture of credit -- deduction included as income. (1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-2103 or 15-31-101 in an amount equal to 40% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is ~~$10,000~~ *$15,000*. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(3) If during any tax year a charitable gift is recovered by the taxpayer, the taxpayer shall:

(a) include as income the amount deducted in any prior year that is attributable to the charitable gift to the extent that the deduction reduced the taxpayer's individual income tax or corporate income tax; and

(b) increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken. ~~(Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)~~"

Section 2. Section 15-30-2329, MCA, is amended to read:

"**15-30-2329. (Temporary) Beneficiaries of estates -- credit for contribution to qualified endowment.** A contribution to a qualified endowment, as defined in 15-30-2327, by an estate qualifies for the credit provided in 15-30-2328 if the contribution is a planned gift or in 15-31-161 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is $10,000, subject to the limitation in 15-30-2328(2), and the credit must be claimed in the year in which the contribution is made. The credit may not be carried forward or carried back.

15-30-2329. ~~(Temporary -- effective January 1, 2024)~~ Beneficiaries of estates -- credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-2327, by an estate qualifies for the credit provided in 15-30-2328 if the contribution is a planned gift or in 15-31-161 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is ~~$10,000~~ *$15,000*, and the credit must be claimed in the year in which the contribution is made. The credit may not be carried forward or carried back. ~~(Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)~~"

Section 3. Section 15-31-161, MCA, is amended to read:

"**15-31-161. ~~(Temporary)~~ Credit for contribution by corporations to qualified endowment -- recapture of credit -- deduction included as income.** (1) A corporation is allowed a credit in an amount equal to 20% of a charitable gift against the taxes otherwise due under 15-31-101 for charitable

contributions made to a qualified endowment, as defined in 15-30-2327. The maximum credit that may be claimed by a corporation for contributions made from all sources in a year under this section is ~~$10,000~~ *$15,000*. The credit allowed under this section may not exceed the corporate taxpayer's income tax liability. The credit allowed under this section may not be claimed by a corporation if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-31-114. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(2) If during any tax year a charitable gift is recovered by the corporation, the corporation shall:

(a) include as income the amount deducted in any prior year that is attributable to the charitable gift to the extent that the deduction reduced the taxpayer's corporate income tax or alternative corporate income tax; and

(b) increase the amount of tax due under 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken. ~~(Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)~~"

Section 4. Section 15-31-162, MCA, is amended to read:

"**15-31-162. (Temporary) Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment -- recapture of credit -- deduction included as income.** (1) A contribution to a qualified endowment, as defined in 15-30-2327, by a small business corporation, as defined in 15-30-3301, a partnership, or a limited liability company, as defined in 35-8-102, carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code, 26 U.S.C. 162, or carrying on any rental activity qualifies for the credit provided in 15-31-161. The credit must be attributed to shareholders, partners, or members of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for Montana income tax purposes. The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member of a limited liability company may claim in a year is $10,000, subject to the limitations in 15-30-2328(2). The credit allowed under this section may not exceed the taxpayer's income tax liability. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(2) (a) If during any tax year a charitable gift is recovered by the small business corporation, partnership, or limited liability company, the entity shall include as income the amount deducted in any prior year that is attributable to the charitable gift.

(b) In the tax year that a charitable gift is recovered, each shareholder, partner, or member shall increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken.

15-31-162. ~~(Temporary -- effective January 1, 2024)~~ Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment -- recapture of credit -- deduction included as income. (1) A contribution to a qualified endowment, as defined in 15-30-2327, by a small business corporation, as defined in 15-30-3301, a partnership, or a limited liability company, as defined in 35-8-102, carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code, 26 U.S.C. 162, or carrying on any rental activity qualifies for the credit provided in 15-31-161. The credit must be attributed to

shareholders, partners, or members of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for Montana income tax purposes. The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member of a limited liability company may claim in a year is ~~$10,000~~ *$15,000*. The credit allowed under this section may not exceed the taxpayer's income tax liability. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made.

(2) (a) If during any tax year a charitable gift is recovered by the small business corporation, partnership, or limited liability company, the entity shall include as income the amount deducted in any prior year that is attributable to the charitable gift.

(b) In the tax year that a charitable gift is recovered, each shareholder, partner, or member shall increase the amount of tax due under 15-30-2103 or 15-31-101 by the amount of the credit allowed in the tax year in which the credit was taken. ~~(Terminates December 31, 2025--secs. 1 through 15, Ch. 254, L. 2019.)~~"

Section 5. Repealer. Section 9, Chapter 537, Laws of 1997, section 5, Chapter 226, Laws of 2001, section 7, Chapter 4, Laws of 2005, sections 2, 3, 4, and 7, Chapter 208, Laws of 2007, sections 2, 3, 4, 5, 6, 7, 8, and 11, Chapter 317, Laws of 2013, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Chapter 254, Laws of 2019, are repealed.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 through 4] are effective January 1, 2024.

Approved May 19, 2023

CHAPTER NO. 691

[SB 507]

AN ACT GENERALLY REVISING TAX LAWS; REVISING TAX PROCEDURE LAWS; REVISING VARIOUS PROCEDURES OF THE COUNTY TAX APPEAL BOARD AND THE MONTANA TAX APPEAL BOARD; REQUIRING A FORMER EMPLOYEE OF THE DEPARTMENT OF REVENUE TO WAIT A PERIOD OF TIME BEFORE APPOINTMENT TO A COUNTY TAX APPEAL BOARD; REVISING PROPERTY TAX PAYMENTS TO ALLOW DELINQUENT PROPERTY TAXES TO BE PAID WITHOUT PAYING CURRENT YEAR TAXES; AMENDING SECTIONS 15-1-222, 15-2-201, 15-2-301, 15-2-302, 15-2-303, 15-7-102, 15-7-105, 15-7-106, 15-15-101, 15-15-103, AND 15-16-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-222, MCA, is amended to read:

"**15-1-222. (Temporary) Taxpayer bill of rights.** The department of revenue shall in the course of performing its duties in the administration and collection of the state's taxes ensure that:

(1) the taxpayer has the right to record any interview, meeting, or conference with auditors or any other representatives of the department;

(2) the taxpayer has the right to hire a representative of the taxpayer's choice to represent the taxpayer's interests before the department ~~or any tax~~

~~appeal board~~*, a county tax appeal board, or the Montana tax appeal board. The representative is not considered to be practicing law pursuant to 37-61-201 and is not required to be an attorney or a certified public accountant.* The taxpayer has a right to obtain a representative at any time, except that the selection of a representative may not be used to unreasonably delay a field audit that is in progress. The representative must have written authorization from the taxpayer to receive from the department confidential information concerning the taxpayer. The department shall provide copies to the authorized representative of all information sent to the taxpayer and shall notify the authorized representative concerning contacts with the taxpayer.

(3) except as provided in subsection (5), the taxpayer has the right to be treated by the department in a similar manner as all similarly situated taxpayers regarding the administration and collection of taxes, imposition of penalties and interest, and available taxpayer remedies unless there is a rational basis for the department to distinguish them;

(4) the taxpayer has the right to obtain tax advice from the department. The taxpayer has a right to the waiver of penalties and interest, but not taxes, when the taxpayer has relied on written advice provided to the taxpayer by an employee of the department.

(5) at the discretion of the department, upon consideration of all facts relevant to the specific taxpayer, the taxpayer has the right to pay delinquent taxes, interest, and penalties on an installment basis. This subsection applies only to taxes collected by the department, provided the taxpayer meets reasonable criteria.

(6) the taxpayer has the right to a complete and accurate written description of the basis for any additional tax assessed by the department;

(7) the taxpayer has the right to a review by management level employees of the department for any additional taxes assessed by the department;

(8) the taxpayer has the right to a full explanation of the available procedures for review and appeal of additional tax assessments;

(9) the taxpayer, after the exhaustion of all appropriate administrative remedies, has the right to have the Montana tax appeal board or a court, or both, review any final decision of the department assessing an additional tax. The taxpayer shall seek a review in a timely manner. A taxpayer is entitled to collect court costs and attorney fees from the department for frivolous or bad faith lawsuits as provided in 25-10-711, and lawsuits pertaining to an appeal of the value of class four residential property in which the taxpayer substantially prevails, as provided in 15-2-306.

(10) the taxpayer has the right to expect that the department will adhere to the same tax appeal deadlines as are required of the taxpayer unless otherwise provided by law;

(11) the taxpayer has the right to a full explanation of the department's authority to collect delinquent taxes, including the procedures and notices that are required to protect the taxpayer;

(12) the taxpayer has the right to have certain property exempt from levy and seizure as provided in Title 25, chapter 13, part 6, and any other applicable provisions in Montana law;

(13) the taxpayer has the right to the immediate release of any lien the department has placed on property when the tax is paid or when the lien is the result of an error by the department;

(14) the taxpayer has the right to assistance from the department in complying with state and local tax laws that the department administers; and

(15) the taxpayer has the right to be guaranteed that an employee of the department is not paid, promoted, or in any way rewarded on the basis of assessments or collections from taxpayers.

15-1-222. (Effective January 1, 2024) Taxpayer bill of rights. The department of revenue shall in the course of performing its duties in the administration and collection of the state's taxes ensure that:

(1) the taxpayer has the right to record any interview, meeting, or conference with auditors or any other representatives of the department;

(2) the taxpayer has the right to hire a representative of the taxpayer's choice to represent the taxpayer's interests before the department, a county tax appeal board, or the Montana tax appeal board. The representative is not considered to be practicing law pursuant to 37-61-201 and is not required to be an attorney or a certified public accountant. The taxpayer has a right to obtain a representative at any time, except that the selection of a representative may not be used to unreasonably delay a field audit that is in progress. The representative must have written authorization from the taxpayer to receive from the department confidential information concerning the taxpayer. The department shall provide copies to the authorized representative of all information sent to the taxpayer and shall notify the authorized representative concerning contacts with the taxpayer.

(3) except as provided in subsection (5), the taxpayer has the right to be treated by the department in a similar manner as all similarly situated taxpayers regarding the administration and collection of taxes, imposition of penalties and interest, and available taxpayer remedies unless there is a rational basis for the department to distinguish them;

(4) the taxpayer has the right to obtain tax advice from the department. The taxpayer has a right to the waiver of penalties and interest, but not taxes, when the taxpayer has relied on written advice provided to the taxpayer by an employee of the department.

(5) at the discretion of the department, upon consideration of all facts relevant to the specific taxpayer, the taxpayer has the right to pay delinquent taxes, interest, and penalties on an installment basis. This subsection applies only to taxes collected by the department, provided the taxpayer meets reasonable criteria.

(6) the taxpayer has the right to a complete and accurate written description of the basis for any additional tax assessed by the department;

(7) the taxpayer has the right to a review by management level employees of the department for any additional taxes assessed by the department;

(8) the taxpayer has the right to a full explanation of the available procedures for review and appeal of additional tax assessments;

(9) the taxpayer, after the exhaustion of all appropriate administrative remedies, has the right to have the Montana tax appeal board or a court, or both, review any final decision of the department assessing an additional tax. The taxpayer shall seek a review in a timely manner. A taxpayer is entitled to collect court costs and attorney fees from the department for frivolous or bad faith lawsuits as provided in 25-10-711, and lawsuits pertaining to an appeal of the value of class four residential property in which the taxpayer substantially prevails, as provided in 15-2-306.

(10) the taxpayer has the right to expect that the department will adhere to the same tax appeal deadlines as are required of the taxpayer unless otherwise provided by law;

(11) the taxpayer has the right to a full explanation of the department's authority to collect delinquent taxes, including the procedures and notices that are required to protect the taxpayer;

(12) the taxpayer has the right to have certain property exempt from levy and seizure as provided in Title 25, chapter 13, part 6, and any other applicable provisions in Montana law;

(13) the taxpayer has the right to the immediate release of any lien the department has placed on property when the tax is paid or when the lien is the result of an error by the department;

(14) the taxpayer has the right to assistance from the department in complying with state and local tax laws that the department administers; and

(15) the taxpayer has the right to be guaranteed that an employee of the department is not paid, promoted, or in any way rewarded on the basis of assessments or collections from taxpayers."

Section 2. Section 15-2-201, MCA, is amended to read:

"**15-2-201. Powers and duties.** (1) It is the duty of the Montana tax appeal board to:

(a) prescribe rules for the tax appeal boards of the different counties in the performance of their duties and for this purpose may schedule meetings of county tax appeal boards, and it is the duty of all invited county tax appeal board members to attend if possible, and the cost of their attendance must be paid from the appropriation of the Montana tax appeal board;

~~(b) grant, at its discretion, whenever good cause is shown and the need for the hearing is not because of taxpayer negligence, permission to a county tax appeal board to meet beyond the normal time period provided for in 15-15-101(4) to hear an appeal;~~

~~(c)~~*(b)* hear appeals from decisions of the county tax appeal boards and assess attorney fees against the department when a taxpayer substantially prevails on the merits of an appeal of the value of class four residential property, as provided in 15-2-306;

~~(d)~~*(c)* hear appeals from decisions of the department ~~of revenue~~ in regard to business licenses, property assessments, taxes, except determinations that an employer-employee relationship existed between the taxpayer and individuals subjecting the taxpayer to the requirements of chapter 30, part 25, and penalties.

(2) Oaths to witnesses in any investigation by the Montana tax appeal board may be administered by a member of the board or the member's agent. If a witness does not obey a summons to appear before the board or refuses to testify or answer any material questions or to produce records, books, papers, or documents when required to do so, that failure or refusal must be reported to the attorney general, who shall then institute proceedings in the proper district court to punish the witness for the neglect or refusal. A person who testifies falsely in any material matter under consideration by the board is guilty of perjury and punished accordingly. Witnesses attending must receive the same compensation as witnesses in the district court. The compensation must be charged to the proper appropriation for the board.

(3) The Montana tax appeal board also has the duties of an appeal board relating to other matters as may be provided by law."

Section 3. Section 15-2-301, MCA, is amended to read:

"**15-2-301. Appeal of county tax appeal board decisions.** (1) (a) The county tax appeal board shall mail a copy of its decision to the taxpayer and to the property assessment division of the department of revenue.

(b) If the appearance provisions of 15-15-103 have been complied with, a person or the department on behalf of the state or any municipal corporation aggrieved by the action of the county tax appeal board may appeal to the Montana tax appeal board by filing with the Montana board a notice of appeal within 30 calendar days after the receipt of the decision of the county board.

The notice must specify the action complained of and the reasons assigned for the complaint.

(c) Notice of acceptance of an appeal must be given to the county board by the Montana board.

(d) The Montana board shall set the appeal for hearing either in its office in the capital or at the county seat as the Montana board considers advisable to facilitate the performance of its duties or to accommodate parties in interest.

(e) The Montana board shall give to the appellant and to the respondent at least 15 calendar days' notice of the time and place of the hearing.

(2) (a) At the time of giving notice of acceptance of an appeal, the Montana board may require the county board to certify to it the minutes of the proceedings resulting in the action and all testimony taken in connection with its proceedings.

(b) The Montana board may, in its discretion, determine the appeal on the record if all parties receive a copy of the transcript and are permitted to submit additional sworn statements, or the Montana board may hear further testimony.

(c) For industrial property that is assessed annually by the department, the Montana board's review must be de novo and conducted in accordance with the contested case provisions of the Montana Administrative Procedure Act.

(d) For the purpose of expediting its work, the Montana board may refer any appeal to one of its members or to a designated hearings officer. The board member or hearings officer may exercise all the powers of the Montana board in conducting a hearing and shall, as soon as possible after the hearing, report the proceedings, together with a transcript or a tape recording of the hearing, to the Montana board. The Montana board shall determine the appeal on the record.

(3) (a) Except as provided in subsection (3)(b), the Montana tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the Montana board does not use the appraisal provided by the taxpayer in conducting the appeal, the Montana board shall provide to the taxpayer the reason for not using the appraisal.

(b) If the appeal is an appeal of the valuation of residential property, the Montana board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and uses values obtained within the timeframe provided for in subsection (3)(a). The appraisal that is provided by the taxpayer is presumed to establish assessed value in the Montana board proceeding unless the department provides sufficient evidence to rebut the presumption of correctness, including another independent appraisal or other compelling valuation evidence. The Montana board shall address the taxpayer's independent appraisal and the department's valuation evidence in the decision.

(4) In every hearing at a county seat throughout the state, the Montana board or the member or hearings officer designated to conduct a hearing may employ a competent person to electronically record the testimony received. The cost of electronically recording testimony may be paid out of the general appropriation for the board.

(5) Except as provided in subsection (2)(c) regarding industrial property, in connection with any appeal under this section, the Montana board is not bound by common law and statutory rules of evidence or rules of discovery and may affirm, reverse, or modify any decision. To the extent that this section is in conflict with the Montana Administrative Procedure Act, this section supersedes that act. The Montana board may not amend or repeal

any administrative rule of the department. The Montana board shall give an administrative rule full effect unless the Montana board finds a rule arbitrary, capricious, or otherwise unlawful.

(6) The decision of the Montana board is final and binding ~~upon~~ *on* all interested parties *and not subject to a rehearing* unless reversed or modified by judicial review. Proceedings for judicial review of a decision of the Montana board under this section are subject to the provisions of 15-2-303 and the Montana Administrative Procedure Act to the extent that it does not conflict with 15-2-303.

(7) Sections 15-6-134 and 15-7-111 may not be construed to prevent the department from implementing an order to change the valuation of property."

Section 4. Section 15-2-302, MCA, is amended to read:

"**15-2-302. Direct appeal from department decision to Montana tax appeal board -- hearing.** (1) (a) An appeal of a final decision of the department of revenue involving one of the matters provided for in subsection (1)(b) must be made to the Montana tax appeal board.

(b) Final decisions of the department for which appeals are provided in subsection (1)(a) are final decisions involving:

(i) property centrally assessed under chapter 23;

(ii) classification of property as new industrial property;

(iii) any other tax, other than the property tax, imposed under this title; or

(iv) any other matter in which the appeal is provided by law.

(2) A person may appeal the department's annual assessment of an industrial property to the Montana board as provided in this section or to the county tax appeal board for the county in which the property is located as provided in Title 15, chapter 15, part 1.

(3) The appeal is made by filing a complaint with the Montana board within 30 days following receipt of notice of the department's final decision. The complaint must set forth the grounds for relief and the nature of relief demanded. The Montana board shall immediately transmit a copy of the complaint to the department.

(4) The department shall file with the Montana board an answer within 30 days following filing of a complaint.

(5) The Montana board shall conduct the appeal in accordance with the contested case provisions of the Montana Administrative Procedure Act. Parties to an appeal shall attempt to attain the objectives of discovery through informal consultation or communication before utilizing formal discovery procedures. Formal discovery procedures may not be utilized by a taxpayer or the department unless reasonable informal efforts to obtain the needed information have not been successful.

(6) The decision of the Montana board is final and binding ~~upon~~ *on* all interested parties *and not subject to a rehearing* unless reversed or modified by judicial review. Proceedings for judicial review of a decision of the Montana board under this section are subject to the provisions of 15-2-303 and the Montana Administrative Procedure Act to the extent that it does not conflict with 15-2-303."

Section 5. Section 15-2-303, MCA, is amended to read:

"**15-2-303. Judicial review -- costs and attorney fees.** (1) Any party to an appeal before the Montana tax appeal board who is aggrieved by a final decision is entitled to judicial review under this part.

(2) Proceedings for review must be instituted by filing a petition in district court in the county in which the taxable property or some portion of it is located, except the taxpayer has the option to file in the district court of the first judicial district. A petition for judicial review must be filed within 60

days after service of the final decision of the Montana tax appeal board ~~or, if a rehearing is requested, within 60 days after service of the final decision~~ *and a rehearing of a Montana tax appeal board decision may not be requested after service of the final decision*. Copies of the petition must be promptly served on all parties of record. The department of revenue shall promptly notify the Montana tax appeal board, in writing, of any judicial review, but failure to do so has no effect on the judicial review. The department of revenue shall, on request, submit to the Montana tax appeal board a copy of all pleadings and documents.

(3) If the judicial review involves a taxpayer who is seeking a refund of taxes paid under protest, the appealing party shall provide a copy of the petition to the treasurer of the county in which the taxable property or some portion of it is located, but failure to do so has no effect on the judicial review.

(4) Proceedings for review of a decision by the Montana tax appeal board by a company under the jurisdiction of the public service commission must be instituted in the district court of the first judicial district.

(5) Notwithstanding the provisions of 2-4-704(1), the court may, for good cause shown, permit additional evidence to be introduced.

(6) In addition to costs and attorney fees permitted under 25-10-711, the district court and the supreme court on the appeal of a district court decision shall award costs and reasonable attorney fees as determined by the respective court to a taxpayer that substantially prevails, as defined in 15-2-306(4), on the merits of an appeal of the value of class four residential property. Costs and attorney fees awarded by the district court and the supreme court are limited to cases in which the department appeals a decision of the Montana tax appeal board."

Section 6. Section 15-7-102, MCA, is amended to read:

"**15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a) Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser under contract for deed a notice that includes the land classification, market value, and taxable value of the land and improvements owned or being purchased. A notice must be mailed or, with property owner consent, provided electronically to the owner only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

(i) change in ownership;

(ii) change in classification;

(iii) change in valuation; or

(iv) addition or subtraction of personal property affixed to the land.

(b) The notice must include the following for the taxpayer's informational and informal classification and appraisal review purposes:

(i) a notice of the availability of all the property tax assistance programs available to property taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs provided for in Title 15, chapter 6, part 3, and the residential property tax credit for the elderly provided for in 15-30-2337 through 15-30-2341;

(ii) the total amount of mills levied against the property in the prior year;

(iii) the market value for the prior reappraisal cycle;

(iv) if the market value has increased by more than 10%, an explanation for the increase in valuation;

(v) a statement that the notice is not a tax bill; and

(vi) a taxpayer option to request an informal classification and appraisal review by checking a box on the notice and returning it to the department.

(c) When the department uses an appraisal method that values land and improvements as a unit, including the sales comparison approach for residential condominiums or the income approach for commercial property, the notice must contain a combined appraised value of land and improvements.

(d) Any misinformation provided in the information required by subsection (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each classification and appraisal to the correct owner or purchaser under contract for deed and mail or provide electronically the notice in written or electronic form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail or provide electronically the notice to a new owner or purchaser under contract for deed unless the department has received the realty transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

(3) (a) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an informal classification and appraisal review by submitting an objection on written or electronic forms provided by the department for that purpose or by checking a box on the notice and returning it to the department in a manner prescribed by the department.

(i) For property other than class three property described in 15-6-133, class four property described in 15-6-134, and class ten property described in 15-6-143, the objection must be submitted within 30 days from the date on the notice.

(ii) For class three property described in 15-6-133 and class four property described in 15-6-134, the objection may be made only once each valuation cycle. An objection must be made in writing or by checking a box on the notice within 30 days from the date on the classification and appraisal notice for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within 30 days from the date on the notice.

(iii) For class ten property described in 15-6-143, the objection may be made at any time but only once each valuation cycle. An objection must be made in writing or by checking a box on the notice within 30 days from the date on the classification and appraisal notice for a reduction in the appraised value to be considered for all years of the 6-year appraisal cycle. An objection made more than 30 days after the date of the classification and appraisal notice applies only for the subsequent remaining years of the 6-year reappraisal

cycle. For an objection to apply to any subsequent year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the notice no later than June 1 of the year for which the value is being appealed or, if a classification and appraisal notice is received after the first year of the valuation cycle, within 30 days from the date on the notice.

(b) If the objection relates to residential or commercial property and the objector agrees to the confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within 8 weeks of submission of the objection, the following information:

(i) the methodology and sources of data used by the department in the valuation of the property; and

(ii) if the department uses a blend of evaluations developed from various sources, the reasons that the methodology was used.

(c) At the request of the objector or a representative of the objector, and only if the objector or representative signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:

(i) comparable sales data used by the department to value the property;

(ii) sales data used by the department to value residential property in the property taxpayer's market model area; and

(iii) if the cost approach was used by the department to value residential property, the documentation required in 15-8-111(3) regarding why the comparable sales approach was not reliable.

(d) For properties valued using the income approach as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all aggregate model output that the department used in the valuation model for the property.

(e) The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the department does not use the appraisal provided by the taxpayer in conducting the appeal, the department shall provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to the taxpayer of the time and place of the review.

(f) After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination by mail or electronically. The department may not determine an appraised value that is higher than the value that was the subject of the objection unless the reason for an increase was the result of a physical change in the property or caused by an error in the description of the property or data available for the property that is kept by the department and used for calculating the appraised value. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

(a) the taxpayer has submitted an objection on written or electronic forms provided by the department or by checking a box on the notice; and

(b) the department has provided to the objector by mail or electronically its stated reason in writing for making the adjustment.

(5) A taxpayer's written objection or objection made by checking a box on the notice and supplemental information provided by a taxpayer that elects to check a box on the notice to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) If a property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price of the property, independent appraisals of the property, *negative property features that differentiate the subject property from the department's comparable sales,* and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Section 7. Section 15-7-105, MCA, is amended to read:

"**15-7-105. Purpose.** In order to produce more uniform appraisal of property throughout the state by encouraging technical training in the principles, methods, and techniques of appraising property and promoting a higher level of professionalism among appraisers, the legislature hereby establishes a system of instruction, examination, and certification for all appraisers. *The legislature finds further that members of the Montana tax appeal board must be permitted to benefit from the department's training and receive any instruction that the board considers relevant.*"

Section 8. Section 15-7-106, MCA, is amended to read:

"**15-7-106. Courses of instruction, examination, and certification -- additional courses.** (1) The department shall offer courses in the principles, methods, and techniques of appraising for property tax purposes property in three fields:

(a) residential property;

(b) agricultural land; and

(c) commercial and industrial property.

(2) The department shall conduct an examination for those who have completed a course of instruction in any of the three fields listed in subsection (1).

(3) A person may not take the examination for appraising commercial and industrial property unless the person holds a certificate in appraising residential property.

(4) The department may schedule and conduct other courses within the state for appraisers, assessors, and department personnel for training in the following subjects:

(a) personal property assessment;

(b) property tax administration; and

(c) personnel management, fiscal management, public relations, professional ethics, and related management principles.

(5) The department shall issue a certificate to each appraiser, assessor, or other person successfully completing a course of instruction and passing an examination in any of the fields provided for in subsection (1) or any subject provided for in subsection (4).

(6) The department shall permit members of the Montana tax appeal board to attend any training provided for in this section without regard to whether a board member has attained a certificate or completed a prerequisite course. Members of the board may not be required to take an examination and the department shall pay for any tuition costs from the department's budget."

Section 9. Section 15-15-101, MCA, is amended to read:

"**15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. *A person may not be a member of a county tax appeal board if the person was an employee of the department less than 36 months before the date of appointment.*

(2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal board.

(b) (i) The daily compensation for a member is as follows:

(A) $45 for 4 hours of work or less; and

(B) $90 for more than 4 hours of work.

(ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal board.

(3) Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

(4) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the board. The county tax appeal board shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and~~, as provided in 15-2-201,~~ may meet after December 31 *to hear an appeal at the discretion of the county tax appeal board.*

(5) In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

(6) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(7) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406."

Section 10. Section 15-15-103, MCA, is amended to read:

"**15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or agent making the application with regard to the value of the property of the person. A reduction may not be made unless the applicant makes an application, as provided in 15-15-102, and attends the county board hearing. An appeal of the county board's decision may not be made to the Montana tax appeal board unless the person or the person's agent has exhausted the remedies available through the county board. In order to exhaust the remedies, the person or the person's agent shall attend the county board hearing. On written request by the person or the person's agent and on the written concurrence of the department, the county board may waive the requirement that the person or the person's agent attend the hearing. The testimony of all witnesses at the hearing *and the deliberation of the county tax appeal board in rendering a decision* must be electronically recorded and preserved for 1 year. If the decision of the county board is appealed, the record of the proceedings, including the electronic recording of all testimony *and the deliberation of the county tax appeal board*, must be forwarded, together with all exhibits, to the Montana board. The date of the hearing, the proceedings before the county board, and the decision must be entered upon the minutes of the county board, and the county board shall notify the applicant of its decision by mail within 3 days. A copy of the minutes of the county board must be transmitted to the Montana board no later than 3 days after the county board holds its final hearing of the year.

(2) (a) Except as provided in 15-15-201, if a county board refuses or fails to hear a taxpayer's timely application for a reduction in valuation of property, the taxpayer's application is considered to be granted on the day following the county board's final meeting for that year. The department shall enter the appraisal or classification sought in the application in the property tax record. An application is not automatically granted for the following appeals:

(i) those listed in 15-2-302(1); and

(ii) if a taxpayer's appeal from the department's determination of classification or appraisal made pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the county board during its current session.

(b) The county board shall provide written notification of each application that was automatically granted pursuant to subsection (2)(a) to the department, the Montana board, and any affected municipal corporation. The notice must include the name of the taxpayer and a description of the subject property.

(3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the county tax appeal board does not use the appraisal provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for not using the appraisal."

Section 11. Section 15-16-102, MCA, is amended to read:

"**15-16-102. Time for payment -- penalty for delinquency.** Unless suspended or cancelled under the provisions of 10-1-606, 15-23-708, or Title 15, chapter 24, part 17, all taxes levied and assessed in the state of Montana,

except assessments made for special improvements in cities and towns payable under 15-16-103, are payable as follows:

(1) One-half of the taxes are payable on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and one-half are payable on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of the taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, the amount payable is delinquent and draws interest at the rate of 5/6 of 1% a month from and after the delinquency until paid and 2% must be added to the delinquent taxes as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year are delinquent and draw interest at the rate of 5/6 of 1% a month from and after the delinquency until paid, and 2% must be added to the delinquent taxes as a penalty.

(4) (a) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without penalty or interest on or before 5 p.m. of the next business day in accordance with 1-1-307.

(b) If taxes on property qualifying under the property tax assistance program provided for in 15-6-305 are paid within 20 calendar days of the date on which the taxes are due, the taxes may be paid without penalty or interest. If a tax payment is made later than 20 days after the taxes were due, the penalty must be paid and interest accrues from the date on which the taxes were due.

(5) (a) A taxpayer may pay current year taxes without paying delinquent taxes. ~~The county treasurer shall accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full tax years if taxes currently due for the current tax year have been paid.~~ *The county treasurer shall accept a payment equal to the delinquent taxes, including penalty and interest for one-half of a delinquent tax year, if taxes currently due for the current tax year have been paid.* Payment of taxes for delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of taxes for the current tax year is not a redemption of the property tax lien for any delinquent tax year.

(b) A payment by a co-owner of an undivided ownership interest that is subject to a separate assessment otherwise meeting the requirements of subsection (5)(a) is not a partial payment.

(6) The penalty and interest on delinquent assessment payments for specific parcels of land may be waived by resolution of the city council. A copy of the resolution must be certified to the county treasurer.

(7) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.

(8) The county treasurer may accept a partial payment of centrally assessed property taxes as provided in 76-3-207."

Section 12. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 14. Effective. date. [This act] is effective on passage and approval.

Section 15. Applicability. [This act] applies to county tax appeal board and Montana tax appeal board proceedings filed after [the effective date of this act].

Approved May 19, 2023

CHAPTER NO. 692

[SB 510]

AN ACT PROVIDING PROPERTY TAX INCENTIVES FOR ALTERNATIVE FUEL PRODUCTION; PROVIDING A PROPERTY TAX ABATEMENT FOR RENEWABLE DIESEL AND SUSTAINABLE AVIATION FUEL PRODUCTION FACILITIES; PROVIDING THE ABATEMENT MAY NOT BE CLAIMED SIMULTANEOUSLY WITH THE NEW OR EXPANDING INDUSTRY PROPERTY TAX ABATEMENT; REVISING CLASS FOURTEEN PROPERTY TO INCLUDE TAXATION OF RENEWABLE DIESEL AND SUSTAINABLE AVIATION FUEL PRODUCTION FACILITIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-6-157, 15-6-158, 15-24-1402, 15-24-3102, AND 15-24-3111, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-6-157, MCA, is amended to read:

"**15-6-157. Class fourteen property -- description -- taxable percentage.** (1) Class fourteen property includes:

(a) wind generation facilities of a centrally assessed electric power company;

(b) wind generation facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to 42 U.S.C. 16451;

(c) noncentrally assessed wind generation facilities owned or operated by any electrical energy producer;

(d) wind generation facilities owned or operated by cooperative rural electric associations described under 15-6-137;

(e) biomass generation facilities up to 25 megawatts in nameplate capacity of a centrally assessed electric power company;

(f) biomass generation facilities up to 25 megawatts in nameplate capacity owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to 42 U.S.C. 16451;

(g) noncentrally assessed biomass generation facilities up to 25 megawatts in nameplate capacity owned or operated by any electrical energy producer;

(h) biomass generation facilities up to 25 megawatts in nameplate capacity owned or operated by cooperative rural electric associations described under 15-6-137;

(i) energy storage facilities of a centrally assessed electric power company;

(j) energy storage facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to 42 U.S.C. 16451;

(k) noncentrally assessed energy storage facilities owned or operated by any electrical energy producer;

(l) energy storage facilities owned or operated by cooperative rural electrical associations described under 15-6-137;

(m) battery energy storage systems that comply with federal standards on the manufacture and installation of the systems that are owned and operated

by an electrical energy storage producer, electrical energy producer, or energy trading entity or by the owner or operator of an electrical vehicle charging site;

(n) all property of a biodiesel production facility, as defined in 15-24-3102, that has commenced construction after June 1, 2007;

(o) all property of a biogas production facility, as defined in 15-24-3102, that has commenced construction after June 1, 2007;

(p) all property of a biomass gasification facility, as defined in 15-24-3102;

(q) all property of a coal gasification facility, as defined in 15-24-3102, except for property in subsection (1)(t) of this section, that sequesters carbon dioxide;

(r) all property of an ethanol production facility, as defined in 15-24-3102, that has commenced construction after June 1, 2007;

(s) all property of a geothermal facility, as defined in 15-24-3102;

(t) all property of an integrated gasification combined cycle facility, as defined in 15-24-3102, that sequesters carbon dioxide, as required by 15-24-3111(4)(c);

(u) all property or a portion of the property of a renewable energy manufacturing facility, as defined in 15-24-3102, that has commenced construction after June 1, 2007;

(v) all property of a natural gas combined cycle facility;

(w) equipment that is used to capture and to prepare for transport carbon dioxide that will be sequestered or injected for the purpose of enhancing the recovery of oil and gas, other than that equipment at coal combustion plants of the types that are generally in commercial use as of December 31, 2007, that commence construction after December 31, 2007;

(x) high-voltage direct-current transmission lines and associated equipment and structures, including converter stations and interconnections, other than property classified under 15-6-159, that:

(i) originate in Montana with a converter station located in Montana east of the continental divide and that are constructed after July 1, 2007;

(ii) are certified under the Montana Major Facility Siting Act; and

(iii) provide access to energy markets for Montana electrical generation facilities listed in this section that commenced construction after June 1, 2007;

(y) all property of electric transmission lines, including substations, that originate at facilities specified in this subsection (1), with at least 90% of electricity carried by the line originating at facilities specified in this subsection (1) and terminating at an existing transmission line or substation that has commenced construction after June 1, 2007;

(z) the qualified portion of an alternating current transmission line and its associated equipment and structures, including interconnections, that has commenced construction after June 1, 2007*;*

(aa) all property of a renewable diesel production facility, as defined in 15-24-3102, that has commenced construction after December 31, 2020; and

(bb) all property of a sustainable aviation fuel production facility, as defined in 15-24-3102, that has commenced construction after December 31, 2020.

(2) (a) The qualified portion of an alternating current transmission line in subsection (1)(z) is that percentage, as determined by the department of environmental quality, of rated transmission capacity of the line contracted for on a firm basis by buyers or sellers of electricity generated by facilities specified in subsection (1) that are located in Montana.

(b) The department of revenue shall classify the total value of an alternating current transmission line in accordance with the determination made by the department of environmental quality pursuant to subsection (2)(a).

(c) The owner of property described under this subsection (2) shall disclose the location of the generation facilities specified in subsection (1) and information

sufficient to demonstrate that there is a firm contract for transmission capacity available throughout the year. For purposes of the initial qualification, the owner is not required to disclose financial terms and conditions of contracts beyond that needed for classification.

(3) Class fourteen property does not include facilities:

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-414, was not paid during the construction phase; or

(b) that are exempt under 15-6-225.

(4) For the purposes of this section, the following definitions apply:

(a) "Biomass generation facilities" means any combination of boilers, generators, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from the burning of organic material other than coal, petroleum, natural gas, or any products derived from coal, petroleum, or natural gas, with the use of natural gas or other fuels allowed for ignition and to stabilize boiler operations.

(b) (i) "Compressed air energy storage" means the conversion of electrical energy to compressed air by using an electrically powered turbocompressor for storage in vessels designed for that purpose and in the earth, including but not limited to deep saline formations, basalt formations, aquifers, depleted oil or gas reservoirs, abandoned mines, and mined rock cavities.

(ii) The term includes the conversion of compressed air into electrical energy by using turboexpander equipment and electrical generation equipment.

(c) (i) "Energy storage facilities" means hydroelectric pumped storage property, compressed air energy storage property, regenerative fuel cells, batteries, flywheel storage property, or any combination of energy storage facilities directly connected to the electrical power grid and associated property, appurtenant land and improvements, and personal property that are designed to:

(A) receive and store electrical energy as potential energy; and

(B) convert the stored energy into electrical energy for sale as an energy commodity or as electricity services to balance energy flow on the electrical power grid in order to maintain a stable transmission grid, including but not limited to frequency regulation ancillary services and frequency control.

(ii) The term includes only property that in the aggregate can store at least 0.25 megawatt hour and has a power rating of at least 1 megawatt for a period of at least 0.25 hour.

(iii) The term does not include property, including associated property and appurtenant land and improvements, that is used to hold water in ponds, reservoirs, or impoundments related to hydroelectric pumped storage as defined in subsection (4)(e).

(d) "Flywheel storage" means a process that stores energy kinetically in the form of a rotating flywheel. Energy stored by the rotating flywheel can be converted to electrical energy through the flywheel's integrated electric generator.

(e) "Hydroelectric pumped storage" means a process that converts electrical energy to potential energy by pumping water to a higher elevation, where it can be stored indefinitely and then released to pass through hydraulic turbines and generate electrical energy.

(f) (i) "Regenerative fuel cell" means a device that produces hydrogen and oxygen from electricity and water and alternately produces electrical energy and water from stored hydrogen and oxygen.

(ii) The term does not include a green hydrogen facility, green hydrogen pipeline, or green hydrogen storage system as defined in 15-6-163.

(g) "Wind generation facilities" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(5) (a) The department of environmental quality shall determine whether to certify that a transmission line meets the criteria of subsection (1)(x), (1)(y), or (1)(z), as applicable, based on an application provided for in 15-24-3112. The department of environmental quality shall review the certification 10 years after the line is operational, and if the property no longer meets the requirements of subsection (1)(x), (1)(y), or (1)(z), the certification must be revoked.

(b) If the department of revenue finds that a certification previously granted was based on an application that the applicant knew was false or fraudulent, the property must be placed in class nine under 15-6-141. If the application was fraudulent, the applicant may be liable for additional taxes, penalty, and interest from the time that the certification was in effect.

(6) Class fourteen property is taxed at 3% of its market value."

Section 2. Section 15-6-158, MCA, is amended to read:

"**15-6-158. Class fifteen property -- description -- taxable percentage.** (1) Class fifteen property includes:

(a) carbon dioxide pipelines certified by the department of environmental quality under 15-24-3112 for the transportation of carbon dioxide for the purposes of sequestration or for use in closed-loop enhanced oil recovery operations;

(b) qualified liquid pipelines certified by the department of environmental quality under 15-24-3112;

(c) carbon sequestration equipment;

(d) equipment used in closed-loop enhanced oil recovery operations; and

(e) all property of pipelines, including pumping and compression equipment, carrying products other than carbon dioxide, that originate at facilities specified in 15-6-157(1), with at least 90% of the product carried by the pipeline originating at facilities specified in 15-6-157(1) and terminating at an existing pipeline or facility.

(2) For the purposes of this section, the following definitions apply:

(a) "Carbon dioxide pipeline" means a pipeline that transports carbon dioxide from a plant or facility that produces or captures carbon dioxide to a carbon sequestration point, including a closed-loop enhanced oil recovery operation.

(b) "Carbon sequestration" means the long-term storage of carbon dioxide from a carbon dioxide pipeline in geologic formations, including but not limited to deep saline formations, basalt or oil shale formations, depleted oil and gas reservoirs, unminable coal beds, and closed-loop enhanced oil recovery operations.

(c) "Carbon sequestration equipment" means the equipment used for carbon sequestration, including equipment used to inject carbon dioxide at the carbon sequestration point and equipment used to retain carbon dioxide in the sequestration location.

(d) "Carbon sequestration point" means the location where the carbon dioxide is to be confined for sequestration.

(e) "Closed-loop enhanced oil recovery operation" means all oil production equipment, as described in 15-6-138(1)(c), owned by an entity that owns or operates an operation that, after construction, installation, and testing has been completed and the full enhanced oil recovery process has been

commenced, injects carbon dioxide to increase the amount of crude oil that can be recovered from a well and retains as much of the injected carbon dioxide as practicable, but not less than 85% of the carbon dioxide injected each year absent catastrophic or unforeseen occurrences.

(f) "Liquid pipeline" means a pipeline that is dedicated to using 90% of its pipeline capacity for transporting fuel or methane gas from a coal gasification facility, biodiesel production facility, biogas production facility, ~~or~~ ethanol production facility*, renewable diesel production facility, or sustainable aviation fuel production facility*.

(g) "Plant or facility that produces or captures carbon dioxide" means a facility that produces a flow of carbon dioxide that can be sequestered or used in a closed-loop enhanced oil recovery operation. This does not include wells from which the primary product is carbon dioxide.

(3) Class fifteen property does not include a carbon dioxide pipeline, liquid pipeline, or closed-loop enhanced oil recovery operation for which, during construction, the standard prevailing wages for heavy construction, as provided in 18-2-414, were not paid during the construction phase.

(4) (a) Except as provided in subsection (4)(b), class fifteen property is taxed at 3% of its market value.

(b) Carbon sequestration equipment placed in service after January 1, 2014, that is certified as provided in subsection (5) and that has a current granted tax abatement under 15-24-3111 is taxed at 1.5% of its reduced market value during the qualifying period provided for in 15-24-3111(7).

(5) (a) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(b) The board of oil and gas conservation shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify carbon sequestration equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of carbon sequestration equipment. The board of oil and gas conservation shall identify and track compliance in the use of carbon sequestration equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(c) A person may appeal the certification, classification, and valuation of the property to the Montana tax appeal board. Appeals on the property certification must name the board of oil and gas conservation as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent."

Section 3. Section 15-24-1402, MCA, is amended to read:

"**15-24-1402. New or expanding industry -- assessment -- notification.** (1) In the first 5 years after commencement of construction, qualifying improvements or modernized processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at 25% or 50% of their taxable value. Subject to 15-10-420, each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the taxpayer may submit an application for a project with a project plan and receive approval for an abatement prior to commencement

of construction. A taxpayer that does not seek approval prior to commencing construction must have applied by March 1 of the year during which the benefit is first applicable. The governing body of the affected county or the incorporated city or town must have approved by separate resolution for each project, following due notice as provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town and a public hearing, the use of the schedule provided for in subsection (1) for its respective jurisdiction. The governing body may not grant approval for the project until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval. If a taxpayer receives approval of a tax abatement prior to commencement of construction, the abatement does not extend to property that is outside the scope of the project plan that was submitted to the governing body with the application.

(b) The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax treatment provided for in this section; and

(ii) conduct a public hearing regarding an application for the tax treatment provided for in this section and deny or approve it within 120 days of receiving the application as provided in subsection (2)(b)(i).

(c) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination.

(d) Subject to 15-10-420 and subsection (2)(f) of this section, a tax benefit may not be denied once approved.

(e) The resolution provided for in subsection (2)(a) must include a definition of the improvements or modernized processes that qualify for the tax treatment that is to be allowed in the taxing jurisdiction. The resolution may provide that real property other than land, personal property, improvements, or any combination thereof is eligible for the tax benefits described in subsection (1).

(f) Property taxes abated from the reduction in taxable value allowed by this section are subject to termination or recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1401, this section, or the resolution required by subsections (2)(a) and (2)(e) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer.

(3) The taxpayer shall apply to the department for the tax treatment allowed under subsection (1). The application by the taxpayer must first be approved by the governing body of the appropriate local taxing jurisdiction, and the governing body shall indicate in its approval that the property of the applicant qualifies for the tax treatment provided for in this section. Upon receipt of the form with the approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section.

(4) The tax benefit described in subsection (1) applies only to the number of mills levied and assessed for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the benefit over which the governing body has sole discretion. The benefit described in subsection (1) may not apply to levies or assessments required under Title 15, chapter 10, 20-9-331, 20-9-333, or 20-9-360 or otherwise required under state law.

(5) Prior to approving the resolution under this section, the governing body shall notify by certified mail all taxing jurisdictions affected by the tax benefit.

(6) The taxpayer may terminate an abatement provided pursuant to this section on a form promulgated by the department."

Section 4. Section 15-24-3102, MCA, is amended to read:

"**15-24-3102. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Biodiesel" has the meaning provided in 15-70-401.

(2) "Biodiesel production facility" means improvements and personal property used for the production and onsite storage of biodiesel.

(3) "Biogas" means methane gas produced through controlled biochemical processes in which bacteria digest animal, municipal, or other organic wastes in an oxygen-free environment. The term includes naturally occurring methane gas formed underground in landfills.

(4) "Biogas production facility" means improvements and personal property used for the production of biogas and the generation of electricity at the facility.

(5) "Biomass" means any renewable organic matter, including dedicated energy crops and trees, agricultural food and feed crops, agricultural crop wastes and residues, wood wastes and residues, aquatic plants, animal wastes, municipal wastes, and other organic waste materials.

(6) "Biomass gasification" means a technology that uses a thermochemical process to convert biomass into a low-Btu or medium-Btu gas for the purpose of producing electricity, methane gas, transportation fuels, or chemicals. The technology includes the pretreatment of biomass feedstock involving drying, pulverizing, and screening.

(7) "Biomass gasification facility" means improvements and personal property used for the production of fuel or chemicals and the generation of electricity from biomass at the facility.

(8) "Carbon sequestration" means the long-term storage of carbon dioxide from a plant or facility that produces or captures carbon dioxide, as defined in 15-6-158, in geologic formations, including but not limited to deep saline formations, basalt or oil shale formations, depleted oil and gas reservoirs, unminable coal beds, and closed-loop enhanced oil recovery operations.

(9) "Clean advanced coal research and development equipment" means equipment used primarily for research and development of emerging methods for pollution control, carbon capture, and carbon sequestration. The term includes equipment used for research and development of effective and efficient removal of various pollutants and the capture, storage, transportation, compression, and injection of carbon dioxide from coal combustion utility and industrial facilities and advanced coal conversion facilities.

(10) "Coal gasification" means a process that converts coal into a synthesis gas composed of carbon monoxide, hydrogen, and other gases. The coal gasification process includes the reaction of coal feedstock, prepared in either a dry or slurried form, with steam and oxygen at high temperature and pressure in a reducing atmosphere. The synthesis gas is then used to produce electricity, liquid fuels, methane gas, or chemicals.

(11) "Coal gasification facility" means improvements and personal property used for coal gasification that are used for the production of fuel or chemicals, the generation of electricity, or any combination of those things at the facility. The term includes a coal-to-liquid facility or an integrated gasification combined cycle facility.

(12) "Coal-to-liquid facility" means improvements and personal property used for the production of synthetic liquid fuels from coal. The term includes a facility that uses the Fischer-Tropsch process or other processes to convert synthesis gas produced by coal gasification into liquid fuel.

(13) "Commencement of construction" means initiation of onsite fabrication, erection, or installation of, but not limited to, the following:

(a) building supports or foundations;

(b) laying of underground pipework; or

(c) construction of storage structures.

(14) "Ethanol" means nominally anhydrous ethyl alcohol that has been denatured as specified in 27 CFR, parts 20 and 21, and that meets the standards for ethanol adopted pursuant to 82-15-103.

(15) "Ethanol production facility" means improvements and personal property used for the production and onsite storage of ethanol made from cellulose or other nonfoodstuff materials.

(16) "Geothermal facility" means improvements and personal property used for the production of electricity from geothermal sources.

(17) "Integrated gasification combined cycle facility" means improvements and personal property of an electrical generation facility that uses a coal gasification process and routes synthesis gas to a combustion turbine to generate electricity and captures the heat from the combustion to drive a steam turbine to produce more electricity. The facility may also use incidental amounts of natural gas or other fuels in the combustion turbine.

(18) "Renewable diesel" means a biomass-derived fuel that is suitable for use in diesel engines that is hydrocarbon produced by hydrotreating and also through gasification, pyrolysis, or other biochemical and thermochemical technology, or any combination of these technologies. The term includes renewable diesel fuel that meets the ASTM D975 specification for petroleum diesel in the United States.

(19) "Renewable diesel production facility" means improvements and personal property used for the production and onsite storage of renewable diesel.

~~(18)~~*(20)* "Renewable energy" includes the following:

(a) solar energy;

(b) wind energy;

(c) geothermal energy;

(d) energy from the conversion of biomass;

(e) energy from biogas;

(f) energy from fuel cells that do not require a petroleum-based fuel;

(g) energy from waste heat; and

(h) cellulosic ethanol.

~~(19)~~*(21)*(a) "Renewable energy manufacturing facility" means improvements and personal property used by a facility with its principal business being the manufacturing of material, component parts, systems, or similar equipment for use in facilities that convert renewable energy into forms of energy useful to people, including electricity. The term includes facilities for manufacturing of electric motor vehicles or hybrid electric motor vehicles.

(b) For purposes of subsection ~~(19)(a)~~ *(21)(a)*, "principal business" means a renewable energy manufacturing facility with at least 50%, by value, of its

annual production suitable for sale as renewable energy material, component parts, systems, or similar equipment.

~~(20)~~*(22)* "Renewable energy research and development equipment" means equipment used primarily for research and development of the efficient use of renewable energy sources. The term includes equipment used for research and development of electric motor vehicles or hybrid electric motor vehicles.

(23) "Sustainable aviation fuel" means an aviation fuel derived from renewable resources that enables a reduction in net life cycle carbon dioxide emissions compared to conventional fuels. The term includes fuel that meets the ASTM D7566 specification for nonpetroleum synthesized jet fuel in the United States.

(24) "Sustainable aviation fuel production facility" means improvements and personal property used for the production and onsite storage of sustainable aviation fuel."

Section 5. Section 15-24-3111, MCA, is amended to read:

"**15-24-3111. Energy production or development -- tax abatement -- eligibility.** (1) A facility listed in subsection (3), clean advanced coal research and development equipment, and renewable energy research and development equipment may qualify for an abatement of property tax liability pursuant to this part.

(2) (a) If the abatement is granted for a facility listed in subsection (3), the qualifying facility must be assessed at 50% of its taxable value for the qualifying period.

(b) If the abatement is granted for clean advanced coal research and development equipment or renewable energy research and development equipment, the qualifying equipment, up to the first $1 million of the value of equipment at a facility, must be assessed at 50% of its taxable value for the qualifying period. There is no abatement for any portion of the value of equipment at a facility in excess of $1 million.

(c) The abatement applies to all mills levied against the qualifying facility or equipment.

(d) A renewable diesel production facility or sustainable aviation fuel production facility, or both, may not receive the abatement provided for in this section during the same tax year that the new or expanding industry property tax abatement provided for in 15-24-1402 is claimed on the same property.

(3) Subject to subsections (4) and (5), the following facilities or property may qualify for the abatement allowed under this part:

(a) biodiesel production facilities;

(b) biogas production facilities;

(c) biomass gasification facilities;

(d) coal gasification facilities for which carbon dioxide from the coal gasification process is sequestered;

(e) ethanol production facilities;

(f) geothermal facilities;

(g) renewable diesel production facilities;

~~(g)~~*(h)* renewable energy manufacturing facilities;

~~(h)~~*(i)* clean advanced coal research and development equipment and renewable energy research and development equipment;

~~(i)~~*(j)* a natural gas combined cycle facility that offsets a portion of the carbon dioxide produced through carbon credit offsets;

~~(j)~~*(k)* transmission lines and associated equipment and structures classified in 15-6-157;

~~(k)~~*(l)* converter stations classified under 15-6-159;

~~(l)~~*(m)* carbon sequestration equipment as defined in 15-6-158; ~~and~~

~~(m)~~*(n)* pipelines classified under 15-6-158*; and*

(o) sustainable aviation fuel production facilities.

(4) (a) In order to qualify for the abatement under this part, a facility listed in subsection (3) must meet the following requirements:

(i) commencement of construction of the facility must occur after June 1, 2007; and

(ii) the standard prevailing rate of wages for heavy construction, as provided in 18-2-414, must be paid during the construction phase of the facility.

(b) In order to qualify for the abatement under this part, clean advanced coal research and development equipment and renewable energy research and development equipment must be placed into service after June 30, 2007.

(c) For the facility to qualify under subsection (3)(d), the carbon dioxide produced from the gasification process must be sequestered at a rate that is practically obtainable but may not be less than 65%.

(d) Integrated gasification combined cycle facilities for which a permit under Title 75, chapter 2, is applied for after December 31, 2014, do not qualify under subsection (3)(d).

(e) To qualify under subsection ~~(3)(i)~~ *(3)(j)*, the facility shall offset carbon dioxide emissions by the percentage determined in 15-24-3116.

(5) To qualify for an abatement, the facility or clean advanced coal research and development equipment and renewable energy research and development equipment must be certified as provided in 15-24-3112.

(6) Upon termination of the qualifying period, the abatement ceases and the property for which the abatement had been granted must be assessed at 100% of its taxable value.

(7) For the purposes of this section, "qualifying period" means the construction period and the first 15 years after the facility commences operation or the clean advanced coal research and development equipment or renewable energy research and development equipment is purchased. The total time of the qualifying period may not exceed 19 years."

Section 6. Applicability. [This act] applies to a renewable diesel production facility or a sustainable aviation fuel production facility that commences construction after December 31, 2020, and the abatement provided by [this act] applies to property tax years beginning after December 31, 2023.

Approved May 19, 2023

CHAPTER NO. 693

[SB 518]

AN ACT GENERALLY REVISING LAWS INVOLVING PARENTAL RIGHTS; PROVIDING FOR PARENT INVOLVEMENT IN EDUCATION; PROVIDING THAT PARENTS MAY WITHDRAW THEIR CHILD FROM CERTAIN SCHOOL INSTRUCTION, INCLUDING FOR RELIGIOUS PURPOSES; REQUIRING SCHOOL DISTRICTS TO PROVIDE INFORMATION TO PARENTS ABOUT THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO CHILDREN OF THE DISTRICT; ESTABLISHING ADDITIONAL PARENTAL RIGHTS AND RESPONSIBILITIES; PROVIDING THAT, WITH CERTAIN EXCEPTIONS, EMPLOYEES OF GOVERNMENTAL ENTITIES ARE PROHIBITED FROM WITHHOLDING CERTAIN INFORMATION FROM PARENTS; INCREASING A FILING FEE; AMENDING SECTIONS 20-5-103 AND 25-1-202, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Parental involvement in education. (1) The board of trustees of a school district, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to promote the involvement of parents of children enrolled in the school district, including:

(a) a plan for parent participation in the school district, which must be designed to improve parent and teacher cooperation in homework, attendance, and discipline;

(b) a plan to provide parents with information about how to participate in the governance of the school district through the locally elected board of trustees;

(c) procedures by which a parent may learn about the course of study for the parent's child;

(d) procedures by which a parent may withdraw the parent's child from instruction or presentations, assemblies, guest lectures, or other educational events facilitated by a school's faculty or staff, including those conducted by outside individuals or organizations, that offend the parent's beliefs or practices;

(e) procedures by which a parent may learn about the nature and purpose of clubs and extracurricular activities that have been approved by the school or that the school is required to allow under the provisions of the federal Equal Access Act of 1984 and may withdraw the parent's child from any club or extracurricular activity. A student shall provide a signed parental permission form prior to participating in any school-sponsored club or extracurricular activity.

(f) procedures by which a parent shall provide written consent before the parent's child uses a pronoun that does not align with the child's sex. If a parent provides written consent under this subsection (1)(f), a person may not be compelled to use pronouns that do not align with the child's sex.

(g) procedures by which a parent may learn about parental rights and responsibilities under the laws of this state.

(2) The board of trustees of a school district may adopt a policy providing that parents may submit and receive the information required by this section in electronic form.

Section 2. Construction. (1) Unless parental rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those described in 40-6-701 or [section 1]. The protections afforded by 40-6-701 and [section 1] are in addition to the protections provided under federal law, other state laws, the United States constitution, and the Montana constitution.

(2) Section 40-6-701 and [section 1] must be construed in favor of a broad protection of the fundamental right of parents to direct the upbringing, education, health care, and mental health of their child.

(3) Nothing in 40-6-701 or [section 1] may be construed to authorize a governmental entity to burden the fundamental right of parents to direct the upbringing, education, health care, and mental health of their child.

(4) If a child has no affirmative right of access to a particular medical or mental health procedure or service, then nothing in 40-6-701 or [section 1] may be construed to grant the child's parent an affirmative right of access to the procedure or service on the child's behalf.

Section 3. Information on educational opportunities -- duties of trustees. (1) The board of trustees of a school district shall develop, update, and annually provide to students and families of the district information on the educational opportunities available through the schools of the district. The

information must align to the legislative intent of preserving and protecting the right to access personalized learning as set forth in 20-7-1601 and must be designed to empower families in understanding the options available to them in partnering with schools to develop their child's full educational potential. A school board may satisfy its obligation through the use of model resources developed by an organization of school boards of which the school board is a member.

(2) The information provided under subsection (1) must include, at a minimum, the following educational and extracurricular opportunities:

(a) evaluation and identification of children with disabilities and special education programs beginning at age 3 pursuant to 20-7-411;

(b) admission to a school of a district beginning at age 5 pursuant to 20-5-101, and the option to enroll a child in a half-time kindergarten program pursuant to 20-7-117;

(c) proficiency-based learning and other forms of personalized learning pursuant to 20-7-1601, including options for obtaining course equivalency and course waiver determinations from the board of trustees pursuant to 20-3-324(18);

(d) participation in extracurricular activities, including participation by nonpublic and home school students pursuant to 20-5-112;

(e) access to remote instruction, including through the Montana digital academy pursuant to Title 20, chapter 7, part 12, and through other school districts as provided in 20-7-118;

(f) out-of-district attendance pursuant to Title 20, chapter 5, part 3;

(g) availability of funding to support student access to advanced opportunities, if applicable to a district pursuant to 20-7-1506;

(h) career and technical education pursuant to Title 20, chapter 7, part 3, including the attainment of industry-recognized credentials and work-based learning, pursuant to 20-7-1510;

(i) early college, dual enrollment, and running start opportunities, pursuant to 20-9-706; and

(j) other opportunities for school-age children through Montana public schools that:

(i) support the development of a child's full educational potential;

(ii) assist in reducing the costs of postsecondary education and workforce preparation; and

(iii) foster life success.

(3) The legislature intends that boards of trustees and organizations of boards of trustees communicate and collaborate with the education interim committee to demonstrate the implementation of the requirements of this section and to identify additional opportunities following legislative sessions.

Section 4. Section 20-5-103, MCA, is amended to read:

"**20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), ~~any~~ *a* parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall ~~cause~~ *ensure* the child ~~to attend~~ *attends* the school in which the child is enrolled for the school term and each school day in the term prescribed by the trustees of the district until the later of the following dates:

(a) the child's 16th birthday; or

(b) the date ~~of completion of the work of the~~ *the child completes* 8th grade.

(2) The provisions of subsection (1) do not apply in the following cases:

(a) The child has been excused under one of the conditions specified in 20-5-102.

(b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.

(c) The child has been suspended or expelled under the provisions of 20-5-202.

(d) The child is excused pursuant to 20-7-120.

(e) The child is excused pursuant to 40-6-701(1) or [section 1(1)(d)]."

Section 5. Section 25-1-202, MCA, is amended to read:

"**25-1-202. Additional filing fees.** (1) In addition to other filing fees, the following fees must be paid to the clerk of the district court at the time of filing a civil action in the district court:

(a) a fee of $20; and

(b) if the action is brought pursuant to 40-6-701, in addition to the fee required under subsection (1)(a), a fee of ~~$5~~ *$6*.

(2) The fees must be forwarded by the clerk to the department of revenue for deposit in the state general fund. The prevailing party may have the amount paid by the prevailing party taxed in the bill of costs as proper disbursements."

Section 6. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 40, chapter 6, part 7, and the provisions of Title 40, chapter 6, part 7, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [section 3].

Section 7. Coordination instruction. (1) If House Bill No. 352 is passed and approved, then [section 3(2) of this act] is amended to insert:

"*(b) early literacy targeted interventions pursuant to [sections 1 through 4 of House Bill No. 352];*"

(2) If House Bill No. 396 is passed and approved, then [section 3(2) of this act] is amended to insert:

"*(c) part-time enrollment of a student who is otherwise enrolled at a nonpublic or home school pursuant to 20-5-101;*"

Section 8. Effective. dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 through 6] are effective July 1, 2023.

Approved May 19, 2023

CHAPTER NO. 694

[SB 521]

AN ACT GENERALLY REVISING LAWS RELATED TO BROADBAND DEPLOYMENT AND RIGHT-OF-WAY; REVISING LAWS RELATED TO BROADBAND DEPLOYMENT ON STATE HIGHWAYS OR INTERSTATE RIGHTS-OF-WAY; ALLOWING APPLICANTS TO SEEK AN EXCEPTION TO PAYING THE FAIR MARKET VALUE SUBJECT TO APPROVAL; DEFINING FAIR MARKET VALUE; REVISING DEFINITIONS; PROVIDING A FEE; AMENDING SECTIONS 60-4-501 AND 60-4-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 60-4-501, MCA, is amended to read:

"**60-4-501. Broadband deployment.** (1) The department shall maintain a list of entities working on broadband deployment in the state.

(2) When the department plans a *state* highway construction project *or a project authorized under 60-4-601* involving construction methods suitable for

installing broadband conduit in the *state or interstate* highway right-of-way or conducive to accessing the utility right-of-way, the department shall notify entities working on broadband deployment of the project to encourage collaborative broadband installation.

(3) The department may adopt administrative rules to implement this section.

(4) As used in this section, "entities working on broadband deployment" includes but is not limited to local governments, nonprofit organizations, cable television companies, ~~and~~ telephone companies*, and broadband providers eligible for the installation of broadband infrastructure*."

Section 2. Section 60-4-601, MCA, is amended to read:

"**60-4-601. Interstate right-of-way -- department role.** (1) The department of transportation may grant a right-of-way use agreement for the use of longitudinal right-of-way along interstate highways in the state for eligible projects that:

(a) provide evidence that construction and completion will result in a significant investment, a documented positive significant fiscal impact, or both, to the Montana economy within the first year of operation;

(b) are in the public interest; and

(c) are approved by the federal highway administration.

(2) To request a right-of-way use agreement in accordance with this section, the owner of an eligible project must submit an application to the department that demonstrates compliance with subsection (1). *The applicant must pay an application fee of $100.* The department shall work with the applicant and the federal highway administration throughout the review process and approve or deny the application within 90 days of *final* approval by the federal highway administration.

(3) *(a)* ~~The~~ *Except as provided in subsections (3)(b) and (3)(c), the* department and the applicant shall agree to the payment of the fair market value of the portion of the right-of-way where the project will be located prior to the right-of-way use agreement being granted.

(b) Applicants who seek an exception to paying the fair market value shall submit a request and justification to the department. The department shall submit to the federal highway administration the fair market value exception request for approval. If approved, the department may not charge the applicant for the right-of-way use agreement.

(c) An applicant may propose to the department an alternative to payment of fair market value by offering a comparable in-kind contribution.

(4) The department shall allow approved applicants for eligible projects to:

(a) enter into a right-of-way use agreement for a maximum 30-year term with the possibility of renewal upon expiration of the original term; and

(b) use the right-of-way for the construction and maintenance of project facilities in a safe and efficient manner as set forth in the right-of-way use agreement.

(5) Any relocation of facilities occupying the right-of-way is subject to 60-4-403. The department shall work with applicants to minimize the potential for any future project impacts that may require the relocation of facilities occupying the right-of-way.

~~(4)~~*(6)* The department may adopt rules necessary for the administration of this section, including application fees to be paid by an applicant seeking a right-of-way use agreement and any rules necessary to ensure the state is not prevented from receiving federal funds for highway purposes.

~~(5)~~*(7)* For the purposes of this section:

(a) "Eligible project" means a pipeline, ~~or~~ fiber optic or other communications-type cables*, wireless facility,* ~~and~~ associated infrastructure*, and dedicated power sources*.

(b) "Fair market value" means $100 a mile for each year, or $3,000 a mile for a 30-year term right-of-way use agreement. Applicants may choose to pay annually or in a lump sum for the full length of the term.

~~(b)~~*(c)* "Public interest"*, including the determination of clean energy and broadband infrastructure projects that provide connectivity to Montana citizens,* is determined by *state policy and* federal highway administration guidance *and regulation, including but not limited to 23 CFR 710.403.*."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 695

[SB 530]

AN ACT REVISING PROPERTY TAXATION OF CERTAIN CLASS EIGHT BUSINESS EQUIPMENT PROPERTY; PROVIDING FOR AN ABATEMENT OF MANUFACTURING MACHINERY, FIXTURES, AND EQUIPMENT; PROVIDING FOR REVIEW OF THE ABATEMENT REQUEST BY A GOVERNING BODY OF A COUNTY; PROVIDING THE ABATEMENT MAY NOT BE LESS THAN 80% OF TAXABLE VALUE; PROVIDING DEFINITIONS; AMENDING SECTION 15-6-138, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-6-138, MCA, is amended to read:

"**15-6-138. (Temporary) Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(d) "Governing body" means the governing body of the county where the class eight property is located.

(e) "Manufacturing machinery, fixtures, and equipment" means all property used in the manufacturing process, whether permanently or temporarily in place, to transform raw or finished materials into something possessing a new nature or name and adopted to a new use. The term includes but is not limited to refinery property.

(3) Except as provided in 15-24-1402 *and this section*, class eight property is taxed at:

(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of $6 million, 3%.

(4) *(a)* ~~The~~ *Except as provided in subsection (4)(b), the* first [$300,000] of market value of class eight property of a person or business entity is exempt from taxation.

(b) Subject to subsection (6), manufacturing machinery, fixtures, and equipment installed and placed in service after December 31, 2022, are exempt or partially exempt from taxation for a period of 5 years starting from the later of the date they were placed in service or [the effective date of this act], after which the exemption amount allowed under subsection (6)(d) is phased out at a rate of 20% of the amount allowed by the governing body a year, with the property being assessed at 100% of its taxable value after a 10-year period. An entity that claims a tax exemption under this subsection (4)(b) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing the property into service in the state. The property owners shall make the records available to the department for inspection on request.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this

subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.

(6) (a) In order for a taxpayer to receive the tax abatement described in subsection (4)(b), the taxpayer shall submit an application for the abatement and a project plan to the governing body and receive approval pursuant to this subsection (6). For property in which a taxpayer does not seek approval prior to commencing construction, the taxpayer shall apply:

(i) by March 1 of the year during which the abatement is first applicable for property placed in service on or after [the effective date of this act]; or

(ii) by January 31, 2024, for property placed in service after December 31, 2022, and before [the effective date of this act].

(b) In order to receive an abatement, the governing body must approve the abatement request in the application by resolution for each project, following due notice as provided in 7-1-2121 and a public hearing. The governing body may not grant approval for the project until the applicant's property taxes have been paid in full. Taxes paid under protest do not preclude approval. If a taxpayer receives approval of a tax abatement prior to commencement of construction, the abatement does not extend to property that is outside the scope of the project plan that was submitted to the governing body with the application.

(c) The purpose of the public hearing is to determine whether the manufacturing machinery, fixtures, and equipment eligible for an abatement has an impact on services. The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax abatement; and

(ii) conduct a public hearing regarding an application for the tax abatement and make a determination whether the eligible abatement activities will have a fiscal impact to the county.

(d) Within 120 days of receiving the application provided for in subsection (6)(a), the governing body shall issue a decision regarding whether to allow the abatement at 100%, 90%, or 80%. If the governing body fails to issue a decision within 120 days of receiving the application, the application is considered approved in an amount equal to 100%. If the property qualifies for the abatement, the local government may not deny the abatement and the minimum amount of the abatement may not be less than 80%. (Bracketed language is temporarily amended to "$100,000" on occurrence of contingency for calendar years 2022, 2023, 2024, and 2025 until July 1, 2025--secs. 12(7) and 14, Ch. 506, L. 2021--see compiler's comment.)

15-6-138. (Effective July 1, 2025) Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(d) "Governing body" means the governing body of the county where the class eight property is located.

(e) "Manufacturing machinery, fixtures, and equipment" means all property used in the manufacturing process, whether permanently or temporarily in place, to transform raw or finished materials into something possessing a new nature or name and adopted to a new use. The term includes but is not limited to refinery property.

(3) Except as provided in 15-24-1402 *and this section*, class eight property is taxed at:

(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of $6 million, 3%.

(4) *(a)* ~~The~~ *Except as provided in subsection (4)(b), the* first $300,000 of market value of class eight property of a person or business entity is exempt from taxation.

(b) Subject to subsection (6), manufacturing machinery, fixtures, and equipment installed and placed in service after December 31, 2022, are exempt or partially exempt from taxation for a period of 5 years starting from the later of the date they were placed in service or [the effective date of this act], after which the exemption amount allowed under subsection (6)(d) is phased out at a rate of 20% of the amount allowed by the governing body a year, with the property being assessed at 100% of its taxable value after a 10-year period. An entity that claims a tax exemption under this subsection (4)(b) shall maintain

adequate books and records demonstrating the investment the owner made when installing and placing the property into service in the state. The property owners shall make the records available to the department for inspection on request.

(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.

(6) (a) In order for a taxpayer to receive the tax abatement described in subsection (4)(b), the taxpayer shall submit an application for the abatement and a project plan to the governing body and receive approval pursuant to this subsection (6). For property in which a taxpayer does not seek approval prior to commencing construction, the taxpayer shall apply:

(i) by March 1 of the year during which the abatement is first applicable for property placed in service on or after [the effective date of this act]; or

(ii) by January 31, 2024, for property placed in service after December 31, 2022, and before [the effective date of this act].

(b) In order to receive an abatement, the governing body must approve the abatement request in the application by resolution for each project, following due notice as provided in 7-1-2121 and a public hearing. The governing body may not grant approval for the project until the applicant's property taxes have been paid in full. Taxes paid under protest do not preclude approval. If a taxpayer receives approval of a tax abatement prior to commencement of construction, the abatement does not extend to property that is outside the scope of the project plan that was submitted to the governing body with the application.

(c) The purpose of the public hearing is to determine whether the manufacturing machinery, fixtures, and equipment eligible for an abatement has an impact on services. The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax abatement; and

(ii) conduct a public hearing regarding an application for the tax abatement and make a determination whether the eligible abatement activities will have a fiscal impact to the county.

(d) Within 120 days of receiving the application provided for in subsection (6)(a), the governing body shall issue a decision regarding whether to allow the abatement at 100%, 90%, or 80%. If the governing body fails to issue a decision within 120 days of receiving the application, the application is considered approved in an amount equal to 100%. If the property qualifies for the abatement, the local government may not deny the abatement and the minimum amount of the abatement may not be less than 80%."

Section 2. Applicability. [This act] applies to property tax years beginning after December 31, 2023.

Approved May 19, 2023

CHAPTER NO. 696

[SB 531]

AN ACT REVISING THE COMMUNICATIONS ADVISORY COMMISSION; REVISING THE CHALLENGE PROCESS; PROVIDING RULEMAKING

AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 90-1-602, 90-1-603, 90-1-604, 90-1-605, 90-1-606, 90-1-607, 90-1-608, AND 90-1-609, MCA; AMENDING SECTION 13, CHAPTER 449, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-1-602, MCA, is amended to read:

"**90-1-602. (Temporary) Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) (a) "Broadband" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints. The term includes capabilities that are incidental to and enable the operation of the communications service.

(b) The term does not include dial-up internet access service.

~~(1)~~*(2)* ~~"Broadband service" means any commercially mature, universally available, terrestrially deployed technology having the capacity to transmit data from or to the internet at minimum speeds downstream and upstream at low latency to accommodate adequate and commonly used internet-based applications for residential, commercial, or government use.~~ *"Broadband equity, access, and deployment program" means the program established by the Infrastructure Investment and Jobs Act, Public Law 117-58, and implemented by the national telecommunications and information administration.*

~~(2)~~*(3)* "Broadband service ~~infrastructure~~" means the signal transmission facilities and associated network equipment proposed to be deployed in a project area used for the provision of broadband service to residential, business, and government customers.

(4) "Challenge" means a contest to a proposal submitted to the department for funding on the grounds as provided for by the national telecommunications and information administration.

(5) "Commission" means the communications advisory commission established in 90-1-603.

(6) "Community anchor institution" means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, or community support organization.

~~(3)~~*(7)* "Department" means the department of ~~commerce~~ *administration.*

~~(4)~~*(8)* "Eligible provider" means an entity that:

(a) has authorization to do business in the state; and

(b) has demonstrated that it has the technical, financial, and managerial resources and experience to provide broadband service or other communications service to customers in the state.

(9) "Extremely high cost per location threshold" is a subsidy cost for each location to be utilized during the proposal selection process in which a proposal may be declined if use of an alternative technology meeting the broadband, equity, access, and deployment program program's technical requirements would be less expensive.

~~(5)~~*(10)* "FCC" means the federal communications commission.

~~(6) "Frontier area" means an area where there is no or extremely limited terrestrial broadband service.~~

(11) "High-cost area" means an unserved area in which the cost of building out broadband service is fiscally imprudent, and the area contains no less than 80% of unserved broadband-serviceable locations.

(12) "Last mile" means broadband infrastructure that serves as the final leg connecting the broadband service provider's network to the end-user customer's premises.

~~(7) "Low latency" means latency that is sufficiently low to allow multiple, simultaneous, real-time interactive applications.~~

(13) "Middle mile" means broadband infrastructure that does not connect directly to an end-user location, including a community anchor institution, and includes leased dark fiber, interoffice transport, backhaul, transport connectivity to data centers, special access transport and other similar services, and wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for wireless broadband network, such as towers, fiber, and microwave links.

~~(8)~~*(14)* "Project" means a proposed deployment of broadband service infrastructure set forth in a proposal for funding authorized under this part.

~~(9)~~*(15)* "Project area" means a shapefile area in an unserved or underserved area where the proposed broadband service infrastructure would be built as described in a proposal for funding authorized under this part.

~~(10)~~*(16)* "Shapefile" means a GIS file format for storing, depicting, and analyzing geospatial data depicting broadband coverage. It is made up of several component files, such as a main file (.shp), an index file (.shx), and a dBASE table (.dbf).

~~(11)~~*(17)* "Underserved area" means ~~an area where at least 10% of the delivery points have no access to broadband service offered with a download speed range of at least 100 megabits per second and an upload speed of at least 20 megabits per second or less with low latency~~ *a location or area that is not an unserved location and that lacks access to broadband service offered with a speed of not less than 100 megabits per second for downloads, a speed of not less than 20 megabits per second for uploads, and latency less than or equal to 100 milliseconds.*

(18) "Underserved service project" means a project in which not less than 80% of broadband-serviceable locations served by the project are unserved areas or underserved areas.

~~(12)~~*(19)* "Unserved area" means a ~~project area where at least 10% of delivery points have no access to broadband service or have no access to services operating with a download speed of at least 25 megabits per second and upload speed of at least 10 megabits per second with low latency~~ *broadband-serviceable location or area that has no access to broadband service or lacks service offered with a speed of not less than 25 megabits per second for downloads, a speed of not less than 3 megabits per second for uploads, and a latency less than or equal to 100 milliseconds.*

(20) "Unserved service project" means a project in which not less than 80% of broadband-serviceable locations served by the project are unserved locations. An unserved service project may be as small as a single unserved location. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 2. Section 90-1-603, MCA, is amended to read:

"**90-1-603. (Temporary) Establishment of program -- administration and funding.** *(1) There is a communications advisory commission that consists of nine members who must be appointed as follows:*

(a) three legislators appointed by the president of the senate to include two members of the majority party and one member of the minority party;

(b) three legislators appointed by the speaker of the house to include two members of the majority party and one member of the minority party;

(c) the governor's director of the office of budget and program planning;

(d) the governor's chief economic development officer; and

(e) the governor's director of administration.

(2) The commission may provide parameters governing the submission and funding of broadband deployment grants as allowed by state and federal law or regulation.

~~(1)~~*(3)* The department shall establish the broadband infrastructure deployment program and shall administer and act as the fiscal agent for the program ~~and is responsible for receiving and reviewing responsive proposals and awarding contracts after review by the communications advisory commission provided for in Chapter 401, Laws of 2021, and the governor's approval. A request for proposal may be cancelled or any proposal may be rejected in whole or in part when it is in the best interests of the state~~ *under the direction of the governor's chief economic development officer and with advice from the commission.*

(4) The department shall develop parameters in accordance with state and federal law and federal guidance for the deployment of broadband funds with advice from the governor's chief economic development officer and the commission. The department shall make all materials available for public comment at least 14 days in advance of consideration by the commission.

(5) The governor's chief economic development officer, with advice from the commission, shall review materials as required by the national telecommunications and information administration prior to submission for approval, deployment plans, and grant award recommendations made by the department.

(6) The commission may cancel or reject an eligible proposal in whole or in part when it is in the best interests of the state.

(7) The commission shall submit to the governor grant award recommendations for final approval.

(8) Appointed members of the commission must be compensated and receive travel expenses as provided in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty or service as a commission member.

(9) The department of administration shall staff the commission.

(10) Funding for the commission is allocated from the administrative costs allowed in subsection (11).

~~(2)~~*(11)* Funding for the program established under this section is subject to appropriations from general fund revenue, from bonds issued by the department, or federal broadband stimulus funds or other federal funds appropriated by congress and allocated to the department for funding of broadband communications projects. *The department may retain up to 2% of federal funding to support program administration as provided for by the national telecommunications and information administration. The department shall report administrative expenditures to the commission on a quarterly basis.* (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 3. Section 90-1-604, MCA, is amended to read:

"**90-1-604. (Temporary) Eligible projects.** (1) An eligible ~~provider~~ *proposal* may be awarded funding under this section*, consistent with the national telecommunications and information administration,* for a project in a project area that, as of the date the proposal is filed, constitutes an unserved or underserved area. Funds ~~may not be used to support noncapital expenses, including general operations of an eligible provider, nonbroadband services, marketing, or advertising.~~ *must be used in accordance with the requirements set forth in the Infrastructure Investment and Jobs Act, Public Law 117-58, and as established by the national telecommunications and information administration.*

(2) The project area*, including middle-mile or last-mile proposals,* to be served by a project funded under the program must be described on a shapefile basis.

(3) The department may issue requests for proposals or accept proposals from eligible providers or solicit proposals for specific eligible projects as designated by the department, which would be submitted as proposals pursuant to this part.

(4) A broadband project may be recommended to the commission for disqualification on the basis that the location surpasses the extremely high cost per location threshold, high-cost area calculation, or for other valid reasons subject to approval by the national telecommunications and information administration.

(5) If no broadband service technology meeting national telecommunications and information administration's technical requirements is deployable for a subsidy of less than the extremely high cost per location threshold at a given location, the commission is authorized to recommend a proposal involving a less costly technology for that location, even if that technology does not provide reliable broadband service but otherwise satisfies the program's technical requirements.

(6) Middle-mile or last-mile broadband deployment projects may be recommended by the commission if the responsive proposal meets the requirements set forth by the national telecommunications and information administration.

(7) On recommendation by the commission, the department may request proposals from eligible providers for unserved service projects or underserved service projects if no acceptable application is submitted for funding consideration. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 4. Section 90-1-605, MCA, is amended to read:

"**90-1-605. (Temporary) Eligible proposals.** *(1)* Eligible providers who submit responsive proposals:

~~(1)~~*(a)* may not receive funds under any other federal or state government grant or loan program where government funding supports 100% of the proposed project's capital costs;

~~(2)~~*(b)* shall commit to paying ~~a minimum of 20% of the project costs~~ *not less than the minimum matching amount required by the Infrastructure Investment and Jobs Act, Public Law 117-58,* and may not provide a minimum matching amount from any funds derived from government grants or subsidies, except for federal funds designated *by the Infrastructure Investment and Jobs Act, Public Law 117-58* ~~for broadband deployment. Priority will be given to the eligible provider who contributes the largest percentage of costs from its own funds~~. Local and tribal governments, in partnership with an eligible provider, may provide funding for broadband infrastructure projects consistent with the provisions of this part~~, except that such funds may not be counted toward the minimum 20% matching amount from a provider~~ *and as provided by the national telecommunications and information administration.*

~~(3)~~*(c)* may only be a nongovernment entity with demonstrated experience in providing broadband service or other communications services to end-user residential or business customers in the state*, unless the government entity or tribe applies in partnership with an eligible broadband service provider.; and*

(d) shall to the extent required by state or federal law, comply with any affordability requirements.

(2) The department, with approval from the commission, may submit a match waiver to the national telecommunications and information administration if

a proposal is within an extremely high cost per location threshold or high-cost area or if the commission considers additional special circumstances exist and that a waiver would serve the public interest and effectuate the purposes of the broadband, equity, access, and deployment program. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 5. Section 90-1-606, MCA, is amended to read:

"**90-1-606. (Temporary) Proposals.** (1) The department shall establish a location prioritized timeframe commencing an open process for submission of proposals for funding under the proposal program established in this part. The window for submission must be at least 60 days and not more than 90 days for any shapefile area designation.

(2) *(a)* An eligible provider shall submit a proposal to the department on a form prescribed by the department. A responsive proposal must include the following information:

~~(a)~~*(i)* evidence demonstrating the provider's technical, financial, and managerial resources and experience to provide broadband service or other communications services to customers in the state and the ability to build, operate, and manage broadband service networks serving business and residential customers in the state;

~~(b)~~*(ii)* a description of the project area, including shapefiles, that the eligible provider proposes to ~~build or serve and specific mapping of currently served areas, if any, including actual speed verification~~ *provide broadband service*;

~~(c)~~*(iii)* a description of the broadband service infrastructure that is proposed to be deployed, including facilities, equipment, and network capabilities that include minimum speed thresholds;

~~(d)~~*(iv)* evidence, including a certification from the proposal signatory, demonstrating the unserved or underserved nature of the project area to the best of the provider's knowledge;

~~(e)~~*(v)* the number of households, businesses, and public institutions or entities that would have new access to broadband service as a result of the proposal;

~~(f)~~*(vi)* the total cost of the proposed project and the timeframe in which it will be completed;

~~(g)~~*(vii)* the amount of matching funds, including funds from local or tribal governments, ~~and except for federal funds designated for broadband deployment, that the eligible provider proposes to contribute and a certification that no portion of the provider's matching funds are derived from any federal or state grant program~~ *or federal funds as allowed by the Infrastructure Investment and Jobs Act, Public Law 117-58, and the national telecommunications and information administration*; and

~~(h)~~*(viii)* a preliminary list of all government authorizations, permits, and other approvals required in connection with the proposed deployment, and an estimated timetable for the acquisition of the approvals and the completion of the proposed project.

(b) The department may request additional information as necessary to review the proposed application. Applications that fail to provide the requirements in this section must be submitted to the commission for review. The commission may review the applications and cancel those that do not meet the requirements of this section.

(3) The department shall treat any information that is not publicly available as confidential and subject to the trade secrets protections of state law upon an eligible provider's request for confidential treatment, except that shapefile information depicting broadband coverage *in the proposal* must be publicly disclosed in sufficient detail to enable a challenging provider to identify the

project area *proposed to be* covered by the provider. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 6. Section 90-1-607, MCA, is amended to read:

"**90-1-607. (Temporary) Review of proposal challenges -- approval.** (1) ~~Five~~ *Fourteen* business days following the closing of the submission window, the department shall make the proposals received available for review in a publicly available electronic file, subject to the confidentiality provisions of 90-1-606(3).

(2) ~~A broadband service provider that has timely submitted a proposal may submit to the department, within 30 days of the release of the proposals received, a written challenge to the proposals. The challenge must also include a new proposal that identifies improvements or increases in broadband speed, lower cost, area coverage, or completion date relative to the submitted proposals. Final response to challenges will be provided within 15 days of receipt of challenge for the purpose of expediting awarded projects or modifications accepted through the challenge process. This challenge may include:~~

~~(a) information irrefutably disputing a provider's certification that a proposed project area is an unserved or an underserved area supported by the department's verified independent analysis and testing;~~

~~(b) that no federal funding has been awarded to support the specific deployment proposed in the response pursuant to 90-1-605(1); and~~

~~(c) evidence of broadband service infrastructure meeting or exceeding minimum standards for competitive proposals in the project area under challenge.~~ *The department shall develop criteria for a challenge process and publish the criteria for public comment at least 14 days prior to the opening of the challenge window. Final responses to challenges must be provided within 30 days of receipt of a challenge for the purpose of expediting awarded projects for modifications accepted through the challenge process.*

~~(3) Public shapefile data that includes the project area created under the FCC's rules for shapefiles must constitute evidence of broadband service infrastructure sufficient to show that a challenged project area is served completely beyond minimum standards.~~

~~(4)~~*(3)* In reviewing proposals and any accompanying challenge, the department shall conduct its own review of the proposed project areas to ensure that all awarded funds are used to deploy broadband service ~~infrastructure~~ to unserved or underserved areas. The department may require a provider or challenging provider to submit additional information consistent with this part to enable it to properly assess the proposal or challenge. The department may not award a contract to fund deployment of broadband service ~~infrastructure~~ for a project area that fails to meet any of the criteria provided in this part for being an unserved or underserved area. The department may require a provider to modify a proposal based on broadband access in the proposed area or other relevant factors.

~~(5)~~*(4)* The department shall award funding support for projects set forth in responsive proposals based on a scoring system*, approved by the commission,* that must be released to the public at least 30 days prior to the window for submission of proposals. The weighting scheme employed by the department must give the highest weight or priority to the ~~following specific~~ criteria *provided by the national telecommunications and information administration and the following*:

~~(a) the amount of funds a local government and/or school district is contributing to the project relative to the amount of federal funds received by that local government and/or school district from the American Rescue Plan Act of 2021;~~

~~(b) whether the proposed project area is a frontier, unserved, or underserved area, with frontier and unserved areas receiving greater weight;~~

~~(c) the size and scope of the frontier, unserved, or underserved area proposed to be served;~~

~~(d) the experience, technical ability, and financial soundness of the eligible provider in successfully deploying and providing broadband service;~~

(a) whether the proposed project area serves unserved or underserved areas, with unserved areas receiving greater weight;

(b) the number of households, businesses, farms, ranches, and community anchor institutions served;

(c) whether the proposed project qualifies as an extremely high cost per location threshold as defined by the department and approved by the national telecommunications and information administration or is a high-cost area as defined by the national telecommunications and information administration;

~~(e)~~*(d)* the length of time the provider has been providing broadband service in the state;

~~(f)~~*(e)* the extent to which government funding support is necessary to deploy broadband service infrastructure in the proposed project area;

~~(g) the size and proportion of the matching funds proposed to be committed by the provider;~~

~~(h)~~*(f)* the service speed thresholds proposed in the proposal and the scalability of the broadband service ~~infrastructure~~ proposed to be deployed with higher speed thresholds receiving greater weight;

~~(i)~~*(g)* the provider's ability to leverage its own nearby or adjacent broadband service infrastructure to facilitate the cost-effective deployment of broadband service infrastructure in the proposed project area;

~~(j) the extent to which the project does not duplicate any existing broadband service infrastructure in the proposed project area;~~

~~(k)~~*(h)* the estimated time in which the provider proposes to complete the proposed project;

~~(l) the number of Montana jobs the provider proposes to create or maintain relative to the population of the region where service is proposed;~~

~~(m)~~*(i)* any other factors the department*, as recommended by the commission,* determines to be reasonable and appropriate, consistent with the ~~purpose of facilitating the economic deployment of broadband service infrastructure to unserved or underserved areas~~ *Infrastructure Investment and Jobs Act, Public Law 117-58, and the national telecommunications and information administration*; and

~~(n)~~*(j)* broadband service providers who have broadband service infrastructure already deployed in the project area.

~~(6)~~*(5)* ~~Frontier~~ *High-cost* areas ~~will~~ *must* be considered for services to the extent terrestrial service is economically viable.

~~(7)~~*(6)* The department shall set a reasonable timeframe to complete projects selected for funding approval. The department may, in consultation with the provider, set reasonable milestones regarding this completion. The department shall create procedures including penalties associated with any failure to comply with the provisions of the awarded contract without reasonable cause. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 7. Section 90-1-608, MCA, is amended to read:

"**90-1-608. (Temporary) Implementation.** (1) Consistent with the provisions of this part, the department shall define criteria and implementation processes to ensure that project funds are used as intended.

(2) This section may not be construed to preclude the department from considering a provider's financial ability to complete the project proposed in

a proposal or making reasonable requests for information necessary for the oversight and administration of projects funded under this section.

(3) *The department may adopt rules, in consultation with the commission, as necessary to carry out [sections 1 through 8].* This section may not be construed to empower the department to adopt any additional regulatory obligations or to impose any new or additional regulatory requirements on funding recipients, through proposal agreements or any other mechanism, other than the program implementation procedures expressly authorized in this part *or as required by federal laws providing funding to be distributed pursuant to this statute*. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 8. Section 90-1-609, MCA, is amended to read:

"**90-1-609. (Temporary) Montana broadband infrastructure accounts.** (1) (a) There is a federal special Montana broadband infrastructure account.

(b) All money in the account is allocated to the department of ~~commerce~~ *administration* to be used solely for the purposes of this part. Interest earned on funds in the account must be deposited in the account.

(c) The governor may accept and shall deposit into the account federal broadband stimulus funds or other federal funds or other federal funds appropriated by congress and allocated to the department of ~~commerce~~ *administration* for funding of broadband communications projects.

(d) Notwithstanding any other provision of law, funds allocated under this section may not be transferred or expended for any purpose other than to provide funding for projects authorized pursuant to this part.

(2) (a) There is a state special Montana broadband infrastructure account.

(b) All money in the account is allocated to the department of ~~commerce~~ *administration* to be used solely for the purposes of this part. Interest earned on funds in the account must be deposited in the account.

(c) The governor may accept and shall deposit to the account any penalties allocated to the department of ~~commerce~~ *administration* for funding of broadband communications projects.

(d) Notwithstanding any other provision of law, funds allocated under this section may not be transferred or expended for any purpose other than to provide funding for projects authorized pursuant to this part. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 9. Section 13, Chapter 449, Laws of 2021, is amended to read:

"**Section 13. Contingent termination.** [Sections 1 through 9] terminate when the budget director certifies to the code commissioner that all funds received from the American Rescue Plan Act of 2021, Public Law 117-2*, the Infrastructure Investment and Jobs Act of 2021, Public Law 117-58,* or subsequent funding pursuant to [section 3(2)] allocated to the department of ~~commerce~~ *administration* for communications until funds have been expended."

Section 10. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 11. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 12. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 697

[SB 535]

AN ACT TERMINATING THE SPECIAL RAFFLE OR LOTTERY GAME FOR THE BENEFIT OF THE BOARD OF HORSERACING; AMENDING SECTION 23-4-105, MCA; REPEALING SECTION 23-7-314, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-4-105, MCA, is amended to read:

"**23-4-105. Authority of board.** (1) The board shall license and regulate racing, match bronc rides, and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-204(3), percentages collected pursuant to 23-4-302(3) and (5)(b), *and* money collected pursuant to 23-4-304(1)(a) and (1)(b)~~, and money received from the state lottery and sports wagering commission pursuant to 23-7-314~~ must be deposited in a state special revenue account and are statutorily appropriated to the board as provided in 17-7-502. The board shall then distribute all funds collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3) and (5)(b), and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast racing, not currently authorized in Montana, the board shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider both the economic and safety impacts on the existing racing and breeding industry.

(2) Funds retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4) are statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel network and for other purposes that the board considers appropriate for the good of the existing horseracing industry."

Section 2. Repealer. The following section of the Montana Code Annotated is repealed:

23-7-314. Montana millions raffle or lottery game -- proceeds transferred to board of horseracing -- rulemaking.

Section 3. Effective date. [This act] is effective June 30, 2024.

Approved May 19, 2023

CHAPTER NO. 698

[SB 536]

AN ACT PROVIDING FUNDING TO LOCAL GOVERNMENTS FOR THE MAINTENANCE OF CITY ROADS; PROVIDING FUNDING FOR THE RECONSTRUCTION AND REPAIR OF LOCAL ROADS AND BRIDGES; PROVIDING FOR THE DISTRIBUTION OF FUNDS; PROVIDING A STATUTORY APPROPRIATION; PROVIDING A FUND TRANSFER; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Local road and bridge account -- appropriation. There is a local road and bridge account in the state special revenue fund established

in 17-2-102. All funds received pursuant to [section 4] must be deposited in the account.

(2) Money deposited in the account is statutorily appropriated as provided in 17-7-502 to the department of transportation and, except as provided in subsection (3), may be used for:

(a) funding or providing the state matching source for the reconstruction and repair of:

(i) off-system bridges;

(ii) secondary highway system routes;

(iii) urban highway system routes; or

(b) providing a state matching source, at the discretion of the department, for discretionary grants for road and bridge repair or reconstruction awarded to local governments.

(3) The amount of $20 million deposited in the account must be distributed pursuant to [section 2] by September 1, 2023.

Section 2. Distribution of funds for city road maintenance -- appropriation. (1) The amount of $20 million deposited in the local road and bridge account provided for in [section 1] must be distributed by the department no later than September 1, 2023, to incorporated cities and towns with a population of less than 10,000 for the construction, reconstruction, maintenance, and repair of city or town streets and alleys.

(2) The amount of $20 million must be divided among the incorporated cities and towns with a population of less than 10,000 as of the most recent decennial federal census in the following manner:

(a) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all incorporated cities and towns in Montana with a population of less than 10,000; and

(b) 50% in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana with a population of less than 10,000 as of the most recent decennial federal census.

(3) (a) All funds allocated by this section to cities and towns must be used for the construction, reconstruction, maintenance, and repair of city or town streets and alleys.

(b) Funds allocated by this section may not be used for the purchase of capital equipment.

(4) All funds allocated by this section to cities and towns must be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess of the amounts provided in 7-5-2301 and 7-5-4302.

(5) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined for cities according to the latest official decennial federal census.

(6) For the purposes of this section in which determination of mileage is necessary for distribution of funds, the department of transportation shall utilize the yearly certified statement indicating the total mileage as provided in 15-70-101(7).

Section 3. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent

law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; *[section 1];* 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June

30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 4. Transfer of funds. Within 15 days of [the effective date of this act], the state treasurer shall transfer $100 million from the general fund to the local road and bridge account provided for in [section 1].

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 70, part 1, and the provisions of Title 15, chapter 70, part 1, apply to [section 1].

Section 6. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 includes an appropriation of at least $100 million to the department of transportation for the purposes of [this act], then the appropriation in House Bill No. 2 for the purposes of [this act] is void.

Section 7. Effective date. [This act] is effective July 1, 2023.

Approved May 19, 2023

CHAPTER NO. 699

[SB 540]

AN ACT REVISING LAWS RELATED TO STATE-FUNDED TOURISM PROMOTION THROUGH THE DEPARTMENT OF COMMERCE; REQUIRING THE DEPARTMENT OF COMMERCE TO USE THE LODGING FACILITY USE TAX REVENUE FOR SPECIFIC PURPOSES; TRANSFERRING FUNDS FROM THE DEPARTMENT OF COMMERCE LODGING FACILITY USE TAX ALLOCATION TO FUND THE REVOLVING LOAN PROGRAM ACCOUNT; PROVIDING FOR A FEE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 15-65-121, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Lodging facility use tax allocation -- allowable uses -- unspent fund redistribution -- rulemaking -- fees. (1) On an annual basis, the tax proceeds that are transferred to the department's state special revenue account pursuant to 15-65-121 must be used as follows:

(a) 43% for tourism media, advertising film programs, made-in-Montana promotions and main street programs, wayfinding and signage, and support to trade offices;

(b) 22.5% for rural tourism, under-visited area attraction projects, and tribal tourism, including infrastructure, tourism-related emergency services, marketing, and promotional activities;

(c) 23% for tourism grants, including agritourism grants and Montana-based film grants;

(d) subject to subsection (5), 6.5% for revolving loan programs and regional tourism assistance; and

(e) 5% to use in collaboration with the office of economic development established in 2-15-218 for new tourism attractions, other state business development programs, and support for the activities in subsections (1)(a) through (1)(d) of this section.

(2) The department shall pay personal costs, operating costs, and any costs associated with a program or project provided for in subsections (1)(a) through (1)(e) at its discretion.

(3) The department may redistribute the unencumbered funds in subsection (1)(a) to each applicable program at its discretion by December 31 of each year.

(4) The department may adopt rules to:

(a) determine criteria for a rural area, an under-visited area, and qualifications for funds for attraction projects under subsection (1)(b); and

(b) implement the tourism grant program, the regional tourism assistance program, and the revolving loan program under subsections (1)(c) and (1)(d) and charge a fee commensurate with the cost of the program.

(5) If the tax proceeds designated for revolving loan programs and regional tourism assistance pursuant to subsection (1)(d) exceed $35 million, the tax proceeds that exceed $35 million must be redistributed for the purposes and in the proportions provided for in subsections (1)(a) through (1)(e).

Section 2. Section 15-65-121, MCA, is amended to read:

"**15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for ~~tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials~~ *the purposes designated under [section 1]*, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 60.3% to be used directly by the department of commerce *as provided in [section 1]*;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; and

(i) 2.7% or $1 million, whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), and to the Montana heritage preservation and development account pursuant to subsection (2)(i) are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L. 2021.)

15-65-121. (Effective July 1, 2027) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(h) of this section, the department shall determine the expenditures by state

agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for ~~tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials~~ *the purposes designated under [section 1]*, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 63% to be used directly by the department of commerce *as provided in [section 1]*;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; and

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may

be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h) are subject to appropriation by the legislature."

Section 3. Transfer of funds. No later than October 1, 2023, the state treasurer shall transfer all unencumbered funds in the state special revenue fund designated in 15-65-121(2)(e) to the credit of the department of commerce to the revolving loan program under [section 1(1)(d)].

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 90, chapter 1, part 1, and the provisions of Title 90, chapter 1, part 1, apply to [section 1].

Approved May 19, 2023

CHAPTER NO. 700

[SB 544]

AN ACT REVISING INTERNET LAWS RELATED TO MATERIAL HARMFUL TO MINORS; PROVIDING FOR LIABILITY FOR THE PUBLISHING OR DISTRIBUTION OF MATERIAL HARMFUL TO MINORS ON THE INTERNET; PROVIDING FOR REASONABLE AGE VERIFICATION; PROVIDING FOR INDIVIDUAL RIGHTS OF ACTION; PROVIDING FOR ATTORNEY FEES, COURT COSTS, AND PUNITIVE DAMAGES; PROVIDING FOR EXCEPTIONS; REQUIRING A REPORT BY THE DEPARTMENT OF JUSTICE FOR ENFORCEMENT ACTIVITY; PROVIDING FOR A FEE; PROVIDING DEFINITIONS; AND PROVIDING A DELAYED EFFECTIVE DATE.

WHEREAS, pornography is creating a public health crisis and having a corroding influence on minors; and

WHEREAS, due to advances in technology, the universal availability of the internet, and limited age verification requirements, minors are exposed to pornography earlier in age; and

WHEREAS, pornography contributes to the hypersexualization of teens and prepubescent children and may lead to low self-esteem, body image disorders, an increase in problematic sexual activity at younger ages, and increased desire among adolescents to engage in risky sexual behavior; and

WHEREAS, pornography may also impact brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, and lead to difficulty in forming or maintaining positive, intimate relationships, as well as promoting problematic or harmful sexual behaviors and addiction; and

WHEREAS, the provisions of this act are intended to provide a civil remedy for damages against commercial entities who distribute material harmful to minors

Be it enacted by the Legislature of the State of Montana:

Section 1. Publishing and distribution of material harmful to minors -- age verification -- requirements -- penalties -- exceptions -- reporting -- definitions. (1) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of the material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

(2) A commercial entity or third party that performs the required age verification may not retain any identifying information of the individual after access has been granted to the material.

(3) (a) A commercial entity that is found to have violated this section must be liable to an individual for damages resulting from a minor accessing the material, including court costs and reasonable attorney fees as ordered by the court.

(b) A commercial entity that is found to have knowingly retained identifying information of the individual after access has been granted to the individual must be liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

(4) This section may not apply to any bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of any news-gathering organizations.

(5) An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated the provisions of this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

(6) The department shall provide an annual report of enforcement actions taken under this section. The department shall provide an internet version of the report free of charge to the public and shall charge a fee for paper copies that is commensurate with the cost of printing the report.

(7) For the purposes of this section:

(a) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(b) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(c) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(d) "Material harmful to minors" is defined as all of the following:

(i) any material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(ii) any of the following material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:

(A) pubic hair, anus, vulva, genitals, or nipple of the female breast;

(B) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(C) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(iii) the material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(e) "Minor" means any person under 18 years of age.

(f) "News-gathering organization" means any of the following:

(i) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection (7)(f)(i), who can provide documentation of employment with the newspaper, news publication, or news source; and

(ii) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service, while operating as an employee as provided in this subsection (7)(f)(ii), who can provide documentation of employment.

(g) "Publish" means to communicate or make information available to another person or entity on a publicly available internet website.

(h) "Reasonable age verification methods" include verifying that the person seeking to access the material is 18 years of age or older by using any of the following methods:

(i) providing a digitized identification card; or

(ii) requiring the person attempting to access the material to comply with a commercial age verification system that verifies in one or more of the following ways:

(A) government-issued identification; or

(B) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the information is at least 18 years of age or older.

(i) "Substantial portion" means more than 33 1/3% of total material on a website, which meets the definition of "material harmful to minors" as defined by this section.

(j) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. Transactional data may include but is not limited to records from mortgage, education, and employment entities.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [section 1].

Section 3. Effective date. [This act] is effective January 1, 2024.

Approved May 19, 2023

CHAPTER NO. 701

[SB 550]

AN ACT GENERALLY REVISING INCOME TAX LAWS; REVISING REFERENCES TO THE INDIVIDUAL INCOME TAX RATE TABLE EFFECTIVE JANUARY 1, 2024; EXTENDING THE MEDICAL SAVINGS ACCOUNT TAX DEDUCTION; CLARIFYING THE CALCULATION OF COMPOSITE TAX RETURN TAX LIABILITY; ELIMINATING THE ESTABLISHMENT OF A FIRST-TIME HOME BUYER SAVINGS ACCOUNT AFTER TAX YEAR 2023; PROVIDING THAT DIRECT PRIMARY CARE

FEES AND HEALTH CARE SHARING MINISTRY EXPENSES ARE ELIGIBLE MEDICAL EXPENSES FOR MEDICAL SAVINGS ACCOUNTS; AMENDING SECTIONS 15-30-2113, 15-30-2120, 15-30-2318, 15-30-2522, 15-30-3312, 15-31-1003, 15-61-102, 15-61-202, 15-63-201, AND 50-4-107, MCA; AND PROVIDING EFFECTIVE DATES, AN APPLICABILITY DATE, AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-2113, MCA, is amended to read:

"**15-30-2113. (Temporary) Determination of marital status.** For purposes of this chapter:

(1) the determination of whether an individual is married must be made as of the close of the individual's tax year, except that if the individual's spouse dies during the individual's tax year, the determination must be made as of the time of death; and

(2) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married.

15-30-2113. (Effective January 1, 2024) Determination of status -- effect of status elections. For purposes of this chapter:

(1) the determination of marital status, dependent status, status as an association, partnership, or individual, and any other status must be made as provided in the Internal Revenue Code; *and*

(2) the status that a taxpayer claims or elects in a federal income tax return with respect to the taxpayer or another individual or that the taxpayer or other individual is determined to have for federal income tax purposes conclusively determines the status of that individual~~; and~~

~~(3) a joint Montana individual income tax return must be filed for any tax year for which a joint federal income tax return is filed unless one of the individuals is a nonresident for any part of the tax year~~."

Section 2. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. (Effective January 1, 2024) Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or

trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed; ~~and~~

(j) for ~~a~~ *an individual* taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c)*; and*

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through (3)(m);

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received pursuant to 10-1-1114 or from the federal government by a service member, as defined in 10-1-1112, as reimbursement for group life insurance premiums paid;

(iv) the amount received by a beneficiary pursuant to 10-1-1201; and

(v) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms

prescribed by the department in the same manner as other income tax refund claims are paid.

~~(d) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;~~

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) an amount equal to 30% of net-long term capital gains, as defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222, if and to the extent such gain is taken into account in computing federal taxable income; and

(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163.

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g)."

Section 3. Section 15-30-2318, MCA, is amended to read:

"**15-30-2318. Earned income tax credit.** (1) Except as provided in subsection (3), a resident taxpayer is allowed as a credit against the tax imposed by 15-30-2103 a percentage of the credit allowed for the federal earned income credit for which the individual taxpayer is eligible for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(2) The amount of the credit allowed under subsection (1) is 3% of the amount of the credit determined for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(3) ~~(a) Except for married taxpayers living apart who are treated as single under section 7703(b) of the Internal Revenue Code, 26 U.S.C. 7703(b), the credit is not allowed to married taxpayers if the spouses report their income on separate tax forms. Married taxpayers filing separately on the same form may allocate the credit between spouses.~~

~~(b)~~ The credit is not allowed on earned income that is treated as a dividend received by a member of an agricultural organization provided for in section 501(d) of the Internal Revenue Code, 26 U.S.C. 501(d). For the purpose of this

subsection ~~(3)(b)~~, the amount of the state tax credit provided for in subsection (2) is reduced by the reduction percentage.

(4) The taxpayer is entitled to a refund equal to the amount by which the credit exceeds the taxpayer's tax liability or, if the taxpayer has no tax liability under this chapter, a refund equal to the amount of the credit. The credit may be claimed by filing a Montana income tax return.

(5) For the purpose of this section, the following definitions apply:

(a) "Earned income" means earned income, as defined in section 32 of the Internal Revenue Code, 26 U.S.C. 32, that was used to determine the amount of the federal earned income tax credit under subsection (2).

(b) "Reduction percentage" means a percentage that is calculated by dividing the earned income that is disallowed under subsection ~~(3)(b)~~ *(3)* by the total amount of earned income."

Section 4. Section 15-30-2522, MCA, is amended to read:

"**15-30-2522. Withholding of lottery winnings.** (1) When making any payment of winnings that are subject to withholding, the state lottery and sports wagering commission, created under Title 23, chapter 7, part 2, shall deduct and withhold from the payment a tax in an amount equal to ~~6.9% of the payment~~ *the highest marginal rate tax in effect under 15-30-2103*.

(2) For the purposes of this section, the phrase "winnings that are subject to withholding" means the proceeds in excess of $5,000 won from a lottery game operated pursuant to Title 23, chapter 7.

(3) Every person who receives a payment of winnings that are subject to withholding shall furnish the state lottery and sports wagering commission with a signed statement containing the name, address, and taxpayer identification number of the recipient and of every person entitled to any portion of the payment. The signed statement must be treated as a statement under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false swearing."

Section 5. Section 15-30-3312, MCA, is amended to read:

"**15-30-3312. (Temporary) Composite returns and tax.** (1) A partnership or S. corporation may elect to file a composite return and pay a composite tax on behalf of participants. A participant is a partner, shareholder, member, or other owner who:

(a) is a nonresident individual, a foreign C. corporation, or a pass-through entity whose only Montana source income for the tax year is from the entity and other partnerships or S. corporations electing to file the composite return and pay the composite tax on behalf of that partner, shareholder, member, or other owner; and

(b) consents to be included in the filing.

(2) (a) Each participant's composite tax liability is the product obtained by:

(i) determining the tax that would be imposed, using the rates specified in 15-30-2103, on the sum obtained by subtracting the allowable standard deduction for a single individual and one exemption allowance from the participant's share of the entity's income from all sources as determined for federal income tax purposes; and

(ii) multiplying that amount by the ratio of the entity's Montana source income to the entity's income from all sources for federal income tax purposes.

(b) A participant's share of the entity's income is the aggregate of the participant's share of the entity's income, gain, loss, or deduction or item of income, gain, loss, or deduction.

(3) The composite tax is the sum of each participant's composite tax liability.

(4) The electing entity:

(a) shall remit the composite tax to the department;

(b) must be responsible for any assessments of additional tax, penalties, and interest, which additional assessments must be based on the total liability reflected in the composite return;

(c) shall represent the participants in any appeals, claims for refund, hearing, or court proceeding in any matters relating to the filing of the composite return;

(d) shall make quarterly estimated tax payments and be subject to the underpayment interest as prescribed by 15-30-2512(5)(a) computed on the composite tax liability included in the filing of a composite return; and

(e) shall retain powers of attorney executed by each participant included in the composite return, authorizing the entity to file the composite return and to act on behalf of each participant.

(5) The composite return must be made on forms the department prescribes and filed on or before the due date, including extensions, for filing the entity information return. The composite return is in lieu of an individual income tax return required under 15-30-2602 and 15-30-2604, a corporate income tax return required under 15-31-111, and an alternative corporate income tax return required under 15-31-403.

(6) The composite tax is in lieu of the taxes imposed under:

(a) 15-30-2103 and 15-30-2104;

(b) 15-31-101 and 15-31-121; and

(c) 15-31-403.

(7) The department may adopt rules that are necessary to implement and administer this section.

15-30-3312. (Effective January 1, 2024) Composite returns and tax. (1) A partnership or S. corporation may elect to file a composite return and pay a composite tax on behalf of participants. A participant is a partner, shareholder, member, or other owner who:

(a) is a nonresident individual, a nonresident estate, a nonresident trust, a foreign C. corporation, or a pass-through entity whose only Montana source income for the tax year is from the entity and other partnerships or S. corporations electing to file the composite return and pay the composite tax on behalf of that partner, shareholder, member, or other owner; and

(b) consents to be included in the filing.

(2) (a) Each participant's composite tax liability is the product obtained by:

(i) determining the tax that would be imposed, using the rate specified in 15-30-2103*(1)(d)*, on the sum obtained by subtracting the basic standard deduction of an individual who is not married and who is not a surviving spouse or head of household, as determined under section 63(c)(2)*(C)* of the Internal Revenue Code, 26 U.S.C. 63(c)(2)*(C)*, *as adjusted under section 63(c)(4) of the Internal Revenue Code,* from the participant's share of the entity's income from all sources as determined for ~~federal~~ *Montana* income tax purposes; and

(ii) multiplying that amount by the ratio of the entity's Montana source income to the entity's income from all sources for ~~federal~~ *Montana* income tax purposes.

(b) A participant's share of the entity's income is the aggregate of the participant's share of the entity's income, gain, loss, or deduction or item of income, gain, loss, or deduction.

(3) The composite tax is the sum of each participant's composite tax liability.

(4) The electing entity:

(a) shall remit the composite tax to the department;

(b) must be responsible for any assessments of additional tax, penalties, and interest, which additional assessments must be based on the total liability reflected in the composite return;

(c) shall represent the participants in any appeals, claims for refund, hearing, or court proceeding in any matters relating to the filing of the composite return;

(d) shall make quarterly estimated tax payments and be subject to the underpayment interest as prescribed by 15-30-2512(5)(a) computed on the composite tax liability included in the filing of a composite return; and

(e) shall retain powers of attorney executed by each participant included in the composite return, authorizing the entity to file the composite return and to act on behalf of each participant.

(5) The composite return must be made on forms the department prescribes and filed on or before the due date, including extensions, for filing the entity information return. The composite return is in lieu of an individual income tax return required under 15-30-2602 and 15-30-2604, a corporate income tax return required under 15-31-111, and an alternative corporate income tax return required under 15-31-403.

(6) The composite tax is in lieu of the taxes imposed under:

(a) 15-30-2103 and 15-30-2104;

(b) 15-31-101 and 15-31-121; and

(c) 15-31-403.

(7) The department may adopt rules that are necessary to implement and administer this section."

Section 6. Section 15-31-1003, MCA, is amended to read:

"**15-31-1003. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Affiliate" means a subsidiary of which more than 50% of the voting stock is owned directly by the parent corporation or another member of the Montana combined group.

(2) "Base investment" means the amount expended by a production company as production expenditures and compensation incurred in this state that are directly used in a state-certified production.

(3) (a) "Compensation" means Montana wages, salaries, commissions, payments to a loan-out company subject to the provisions of subsection (3)(c), union benefits, fringe benefits, and any other form of remuneration paid to employees for personal services performed in this state.

(b) The term does not include compensation paid that is less than the minimum wage described in 39-3-409.

(c) The term includes payments to a loan-out company by a production company if the production company withheld and remitted Montana income tax at the ~~rate of 6.9%~~ *highest marginal rate in effect under 15-30-2103* on all payments to the loan-out company for services performed in this state. The amount withheld is considered to have been withheld by the loan-out company on wages paid to its employees for services performed in this state. The amounts withheld must be allocated to the loan-out company's employees based on the payments made to the loan-out company's employees for services performed in Montana. For purposes of this chapter, loan-out company nonresident employees performing services in this state must be considered taxable nonresidents and the loan-out company is subject to income taxation in the tax year in which the loan-out company's employees perform services in this state, notwithstanding any other provisions of Title 15. The withholding liability is subject to penalties and interest as provided in 15-1-216.

(d) With respect to a single crew member or production staff member, excluding an actor, director, producer, or writer, the portion of any compensation that exceeds $500,000 for a single production is not included when calculating the base investment.

(e) All payments to a single employee and any legal entity in which the employee has any direct or indirect ownership interest are considered as having been paid to the employee and must be aggregated regardless of the means of payment or distribution.

(4) "Game platform" means the electronic delivery system used to launch or play an interactive game.

(5) "Game sequel" means an interactive game that builds on the theme of a previously released interactive game, is distinguished by a new title, and features objectives or characters that are recognizably different from those in the original game.

(6) (a) "Loan-out company" means a personal service company contracted with and retained by a production company to provide individual personnel who are not employees of the production company, including actors, directors, producers, writers, production designers, production managers, costume designers, directors of photography, editors, casting directors, first assistant directors, second unit directors, stunt coordinators, and similar personnel, for performance of services used directly in a qualified production activity.

(b) The term does not include persons retained by a production company to provide tangible property or outside independent contractor services, such as catering, construction, trailers, equipment, and transportation.

(7) "Multimarket commercial distribution" means paid commercial distribution that extends to markets outside the state.

(8) (a) "Postproduction company" means a company that:

(i) maintains a business location physically located in this state;

(ii) is engaged in qualified postproduction activities;

(iii) meets the requirements of 15-31-1005(4) in the tax year for which the postproduction company claims the tax credit provided for in 15-31-1009; and

(iv) has been approved by the department of commerce to claim the credit provided for in 15-31-1009.

(b) The term does not include any form of business owned, affiliated, or controlled, in whole or in part, by a company or person that is in default on a tax obligation of the state, a loan made by the state, or a loan guaranteed by the state.

(9) "Prereleased interactive game" means a new game, the offering of an existing game on a new game platform, or a game sequel that is in the developmental stages of production and that may be available to individuals for testing purposes but is not generally made available or distributed to consumers or to the general public.

(10) (a) "Production company" means a company primarily engaged in qualified production activities that have been approved by the department of commerce.

(b) The term does not include any form of business owned, affiliated, or controlled, in whole or in part, by a company or person that is in default on a tax obligation of the state, a loan made by the state, or a loan guaranteed by the state.

(11) (a) "Production expenditure" means a preproduction or production expenditure incurred in Montana that is directly used for a qualified production activity including:

(i) set construction and operation;

(ii) wardrobes, makeup, accessories, and related services;

(iii) costs associated with photography and sound synchronization expenditures, excluding license fees, incurred with Montana companies for sound recordings and musical compositions, lighting, or related services and materials;

(iv) editing and related services;

(v) rental of facilities and equipment;

(vi) leasing of vehicles, whether to be photographed or to transport people, equipment, or materials;

(vii) lodging costs, including hotel rooms and private housing rentals paid for by the production company;

(viii) per diem and living allowance paid to staff, cast, and crew members;

(ix) digital, film, or tape editing, film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects services, visual effects services, and animation services;

(x) airfare, if purchased through a Montana travel agency or travel company;

(xi) insurance costs and bonding, if purchased through a Montana insurance agency; and

(xii) other direct costs of producing the project in accordance with generally accepted entertainment industry practices and generally accepted accounting principles.

(b) The term does not include:

(i) compensation, which qualifies for the credit provided for in 15-31-1007(3)(b)(i) through (3)(b)(iv);

(ii) production expenditures for footage shot outside the state;

(iii) marketing;

(iv) story rights;

(v) distribution; or

(vi) postproduction expenditures.

(12) "Qualified Montana promotion" means a promotion of this state approved by the department of commerce and consisting of:

(a) a qualified movie production that includes a 5-second static or animated logo that promotes Montana in the end credits for the life of the project and that includes a link to the official state of Montana website on the project's website;

(b) a qualified television production that includes an embedded 5-second Montana promotion during each broadcast worldwide for the life of the project and that includes a link to the official state of Montana website on the project's website;

(c) a qualified music video that includes the Montana logo at the end of each video and within online promotions;

(d) a qualified interactive game that includes a 15-second Montana advertisement in units sold and embedded in online promotions; or

(e) a qualified television special or sports event for which the network provides complimentary placement of two 30-second spots per 30 minutes of qualifying television special or sports event programming promoting Montana destinations and provided by the department of commerce as provided for in 15-31-1004(7).

(13) "Qualified postproduction activity" means an activity performed in this state on a qualified production employing traditional, emerging, and new workflow techniques used in postproduction for picture, sound, and music editing, rerecording and mixing, visual effects, graphic design, original scoring, animation, musical composition, and other activities performed after initial production and including activities performed on previously produced and edited content.

(14) "Qualified postproduction wage" means wages incurred in this state directly in qualified postproduction activities for footage shot inside or outside this state.

(15) (a) "Qualified production" means a new film, video, or digital project including only feature films, series for theaters, television, or streaming, pilots, movies and scripted shows made for television or streaming, televised commercial advertisements, music videos, corporate videos, industrial films, production for website creation, television specials, sports events, video games, interactive entertainment, prereleased interactive games, and sound recording projects used in a feature film, series, pilot, or movie for television.

(b) The term includes projects shot, recorded, or originally created in short or long form, animation, and music, fixed on a delivery system, including film, videotape, computer disc, laser disc, and any element of the digital domain, from which the program is viewed or reproduced and which is intended for multimarket commercial distribution via a theater, video on demand, digital or fiber optic distribution platforms, digital video recording, a digital platform designed for distribution of interactive games, licensing for exhibition by individual television stations, groups of stations, networks, advertiser-supported sites, cable television stations, streaming services, or public broadcasting stations.

(c) The term does not include the coverage of news, local interest programming, instructional videos, commercials distributed only on the internet, infomercials, solicitation-based productions, nonscripted television programs, feature films consisting primarily of stock footage not originally recorded in Montana, or projects containing obscenity as defined in 45-8-201(2).

(16) (a) "Qualified production activity" means the production of a new film, video, or digital project in this state and approved by the department of commerce, including only feature films, series for theaters, television, or streaming, pilots, movies and scripted shows made for television or streaming, televised commercial advertisements, music videos, corporate videos, industrial films, production for website creation, television specials, sports events, video games, interactive entertainment, prereleased interactive games, and sound recording projects used in a feature film, series, pilot, or movie for television.

(b) The term includes the production of projects filmed or recorded in this state, in whole or in part and in short or long form, animation and music, fixed on a delivery system, including film, videotape, computer disc, laser disc, and any element of the digital domain, from which the program is viewed or reproduced and which is intended for multimarket commercial distribution via a theater, video on demand, digital or fiber optic distribution platforms, digital video recording, a digital platform designed for distribution of interactive games, licensing for exhibition by individual television stations, groups of stations, networks, advertiser-supported sites, cable television stations, streaming services, or public broadcasting stations.

(c) The term does not include the coverage of news, local interest programming, instructional videos, commercials distributed only on the internet, infomercials, solicitation-based productions, nonscripted television programs, or feature films consisting primarily of stock footage not originally recorded in Montana, projects containing obscenity as defined in 45-8-201(2), or projects not shot, recorded, or originally created in Montana.

(17) "Resident" has the meaning provided in 15-30-2101.

(18) "State-certified production" means a production engaged in qualified production activities and certified by the department of commerce as provided in 15-31-1004.

(19) "Underserved area" means a county in this state in which 14% or more people of all ages are in poverty as determined by the U.S. bureau of the census estimates for the most current year available."

Section 7. Section 15-61-102, MCA, is amended to read:

"**15-61-102. Definitions.** As used in this chapter, unless it clearly appears otherwise, the following definitions apply:

(1) "Account administrator" means:

(a) a state or federally chartered bank, savings and loan association, credit union, or trust company;

(b) a health care insurer as defined in 33-22-125;

(c) a certified public accountant licensed to practice in this state pursuant to Title 37, chapter 50;

(d) an employer if the employer has a self-insured health plan under ERISA;

(e) the account holder or an employee for whose benefit the account in question is established;

(f) a broker, insurance producer, or investment adviser regulated by the commissioner of insurance;

(g) an attorney licensed to practice law in this state;

(h) a person who is an enrolled agent allowed to practice before the United States internal revenue service.

(2) "Account holder" means an individual who is a resident of this state and who establishes a medical care savings account or for whose benefit the account is established.

(3) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers, as published by the bureau of labor statistics of the United States department of labor.

(4) "Dependent" means the spouse of the employee or account holder or a child of the employee or account holder if the child is:

(a) under 23 years of age and enrolled as a full-time student at an accredited college or university or is under 19 years of age;

(b) legally entitled to the provision of proper or necessary subsistence, education, medical care, or other care necessary for the health, guidance, or well-being of the child and is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or

(c) mentally or physically incapacitated to the extent that the child is not self-sufficient.

(5) "Eligible medical expense" means:

(a) an expense paid by the employee or account holder for medical care defined by 26 U.S.C. 213(d);

(b) an expense for long-term care, including long-term care insurance or a long-term care annuity; ~~and~~

(c) a family leave expense*;*

(d) any direct fee, as defined in 50-4-106, associated with a direct patient care agreement; and

(e) any expense paid by a member to a health care sharing ministry that meets the requirements of 50-4-111.

(6) "Employee" means an employed individual for whose benefit or for the benefit of whose dependents a medical care savings account is established. The term includes a self-employed individual.

(7) "ERISA" means the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.

(8) "Family leave expense" means:

(a) an expense, calculated monthly, approximating wages lost while caring for an immediate family member for the purposes allowed under the Family and Medical Leave Act of 1993, 29 U.S.C. 2601, et seq., and 29 CFR, part 825. A family leave expense is calculated by multiplying the hourly wage that the caregiver would have been paid by the number of hours that would typically be spent working but were instead spent caring for an immediate family member.

The hourly wage for a person paid a salary is the gross annual wage divided by 2,087.

(b) a premium paid for family leave insurance.

(9) "Immediate family member" means a parent, spouse, or child.

(10) "Medical care savings account" or "account" means an account established with an account administrator in this state pursuant to 15-61-201."

Section 8. Section 15-61-202, MCA, is amended to read:

"**15-61-202. (Temporary) Tax exemption -- conditions.** (1) Except as provided in this section, the amount of principal provided for in subsection (2) contributed annually by an employee or account holder to an account and all interest or other income on that principal may be excluded from the adjusted gross income of the employee or account holder and are exempt from taxation, in accordance with 15-30-2110(2)(j), as long as the principal and interest or other income is contained within the account, distributed to an immediate family member as provided in subsection (6), or withdrawn only for payment of eligible medical expenses or for paying the expenses of administering the account. Any part of the principal or income, or both, withdrawn from an account may not be excluded under subsection (2) and this subsection if the amount is withdrawn from the account and used for a purpose other than an eligible medical expense or for paying the expenses of administering the account.

(2) (a) An employee or account holder may annually contribute not more than:

(i) $3,500 in tax year 2018;

(ii) $4,000 in tax year 2019;

(iii) an amount determined for each subsequent tax year by multiplying the amount in subsection (2)(a)(ii) by an inflation factor determined by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2018 and rounding the resulting figure to the nearest $500 increment.

(b) There is no limitation on the amount of funds and interest or other income on those funds that may be retained tax-free within an account.

(3) A deduction pursuant to 15-30-2131 is not allowed to an employee or account holder for an amount contributed to an account. An employee or account holder may not deduct pursuant to 15-30-2131 or exclude pursuant to 15-30-2110 an amount representing a loss in the value of an investment contained in an account.

(4) The transfer of money in an account owned by one employee or account holder to the account of another employee or account holder who is an immediate family member of the first employee or account holder does not subject either employee or account holder to tax liability under this section. Amounts contained within the account of the receiving employee or account holder are subject to the requirements and limitations provided in this section.

(5) The employee or account holder who establishes the account is the owner of the account. An employee or account holder may withdraw money in an account and deposit the money in another account with a different or with the same account administrator without incurring tax liability.

(6) Within 30 days of being furnished proof of the death of the employee or account holder, the account administrator shall distribute the principal and accumulated interest or other income in the account to the estate of the employee or account holder or to a designated pay-on-death beneficiary as provided in 72-6-223. An immediate family member who receives the distribution provided for in this subsection becomes the account holder and may:

(a) within 1 year of the death of the employee or account holder from which the account was inherited, withdraw funds for eligible medical expenses incurred by the deceased; and

(b) contribute to the account, retain money in the account tax-free, and withdraw funds from the account as provided in this chapter.

15-61-202. (Effective January 1, 2024) Tax exemption -- conditions. (1) Except as provided in this section, *the amount of principal provided for in subsection (2) contributed annually by an employee or account holder to an account and* all interest or other income on the principal ~~that was contributed to a medical care savings account prior to January 1, 2024,~~ may be excluded from the Montana taxable income of the employee or account holder and is exempt from taxation, in accordance with 15-30-2120, as long as the principal and interest or other income is contained within the account, distributed to an immediate family member as provided in subsection ~~(6)~~ *(5)*, or withdrawn only for payment of eligible medical expenses or for paying the expenses of administering the account. Any part of the principal or income, or both, withdrawn from an account may not be excluded under subsection (2) and this subsection if the amount is withdrawn from the account and used for a purpose other than an eligible medical expense or for paying the expenses of administering the account.

~~(2) For contributions that were made prior to January 1, 2024, there is no limitation on the amount of funds and interest or other income on those funds that may be retained tax-free within an account.~~

(2) (a) An employee or account holder may annually contribute not more than:

(i) $4,500 in tax year 2024; and

(ii) an amount determined for each subsequent tax year by multiplying the amount in subsection (2)(a)(i) by an inflation factor determined by dividing the consumer price index fund for June of the previous tax year by the consumer price index for June 2023 and rounding the resulting figure to the nearest $100 increment.

(b) There is no limitation on the amount of funds and interest or other income on those funds that may be retained tax-free within an account.

(3) The transfer of money in an account owned by one employee or account holder to the account of another employee or account holder who is an immediate family member of the first employee or account holder does not subject either employee or account holder to tax liability under this section. Amounts contained within the account of the receiving employee or account holder are subject to the requirements and limitations provided in this section.

(4) The employee or account holder who establishes the account is the owner of the account. An employee or account holder may withdraw money in an account and deposit the money in another account with a different or with the same account administrator without incurring tax liability.

(5) Within 30 days of being furnished proof of the death of the employee or account holder, the account administrator shall distribute the principal and accumulated interest or other income in the account to the estate of the employee or account holder or to a designated pay-on-death beneficiary as provided in 72-6-223. An immediate family member who receives the distribution provided for in this subsection becomes the account holder and may:

(a) within 1 year of the death of the employee or account holder from which the account was inherited, withdraw funds for eligible medical expenses incurred by the deceased; and

(b) *contribute to the account,* retain money in the account tax-free, and withdraw funds from the account as provided in this chapter."

Section 9. Section 15-63-201, MCA, is amended to read:

"**15-63-201. Establishment of account.** ~~A~~ *Prior to January 1, 2024, a* first-time home buyer who is a resident of this state may establish a first-time home buyer savings account for the first-time home buyer, either individually or jointly."

Section 10. Section 50-4-107, MCA, is amended to read:

"**50-4-107. Direct patient care agreements -- requirements -- prohibition.** (1) A patient or the patient's legal representative may enter into a direct patient care agreement with a health care provider to arrange for health care services for the patient.

(2) A direct patient care agreement must be in writing, and the patient or the patient's legal representative must be given a copy of the written agreement at the time the agreement is signed.

(3) The agreement must:

(a) describe the health care services to be provided in exchange for payment of a direct fee;

(b) specify the direct fee required and any additional fees to be paid by a third party;

(c) specify the patient's payment obligation;

(d) prohibit the provider from charging or receiving additional compensation for health care services included in the direct fee;

(e) prohibit the provider from submitting to a health insurance issuer or a contractor or subcontractor of a health insurance issuer a claim for payment for health care services provided to a patient under a direct patient care agreement;

(f) meet the disclosure requirements of 50-4-108; and

(g) unequivocally provide that the charges for medical services not included in the agreement are the sole responsibility of the patient.

(4) A direct patient care agreement may allow for the direct fee and any additional fees to be paid by a third party.

(5) (a) Either party to a direct patient care agreement may terminate the agreement in writing without penalty or payment of a termination fee:

(i) at any time; or

(ii) after notice as specified in the agreement. The notice requirement may not exceed 60 days.

(b) The agreement must specify the terms of cancellation, including terms that cover relocation or military duty by the patient.

(6) The direct fees paid pursuant to this section are an eligible medical expense for the purposes of 15-61-202."

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2024.

(2) [Sections 7, 10, and 12] and this section are effective on passage and approval.

Section 12. Retroactive applicability. -- applicability. (1) Except as provided in subsection (2), [this act] applies to tax years beginning after December 31, 2023.

(2) [Sections 7 and 10] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2022.

Approved May 19, 2023

CHAPTER NO. 702

[SB 554]

AN ACT PROVIDING FOR AN OPTIONAL PASS-THROUGH ENTITY TAX; PROVIDING THE ENTITY TAX IS IN LIEU OF THE COMPOSITE TAX; ESTABLISHING PROCEDURES TO MAKE THE OPTIONAL ELECTION; PROVIDING THAT A DISTRIBUTIVE SHARE OF THE ENTITY TAX PAID IS CLAIMED AS A REFUNDABLE CREDIT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-30-2110 AND 15-30-2120, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 2 through 4] and this section, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Electing pass-through entity" means a partnership or an S. corporation that elects to be subject to an entity tax.

(2) "Entity tax" means a tax that an electing pass-through entity elects to pay under [sections 1 through 4].

(3) "Nonresident owner" means an individual, estate, or trust that is not a resident owner.

(4) "Owner" means a shareholder of an S. corporation or a partner in a partnership.

(5) "Resident owner" means an individual, estate, or trust owner that is a resident of the state.

Section 2. Pass-through entity tax. (1) Each electing pass-through entity shall, on or before the due date of the pass-through entity's tax return, pay an entity tax. The entity tax is equal to the highest marginal tax rate in effect under 15-30-2103 for the tax year the election is made multiplied by the distributive share of Montana source income calculated under 15-30-3302 for all owners taxed under this chapter. Electing entities may substitute the distributive share of Montana source income allocated to owners who are residents as defined in 15-30-2101 for the distributive share of Montana source income calculated under 15-30-3302 for all resident owners taxed under this chapter for the computation of the tax.

(2) An electing pass-through entity shall allocate the entity tax to its owners based on their distributive share of Montana source income used to calculate the entity tax in subsection (1).

(3) The entity tax is in lieu of the tax paid under 15-30-3312 and 15-30-3313. If the owner of an electing pass-through entity is a partnership or S. corporation that does not elect to pay the entity tax, any amount of Montana source income in addition to the income subject to the entity tax is subject to the tax paid under 15-30-3313. When the provisions under 15-30-3313 apply, the withholding threshold under 15-30-3313(1) must be determined without regard to the entity tax.

(4) The electing entity shall make quarterly estimated tax payments and be subject to the underpayment interest as prescribed by 15-30-2512(5)(a) computed on the entity tax liability included on the pass-through entity return.

(5) The entity tax under this section is subject to penalties and interest under 15-1-216.

(6) A nonresident owner is not required to file an income tax return under the provisions of 15-30-2602 for a tax year if, for the tax year, all of the nonresident owner's Montana source income is subject to the entity tax.

(7) The department may adopt rules and prescribe forms necessary to administer and enforce the provisions of [sections 1 through 4].

Section 3. Making pass-through entity tax election. (1) The election must be made annually no later than the due date, including extensions, of the pass-through entity's tax return as prescribed by 15-30-3302. The election for a tax year is irrevocable for the year it is made.

(2) The pass-through entity must designate a Montana pass-through entity representative who is authorized to make the election to subject the pass-through entity to the tax provided for in [sections 1 through 4].

(a) The Montana pass-through entity representative acts on behalf of the pass-through entity for the applicable tax year.

(b) With respect to an action required or permitted to be taken by a pass-through entity under [sections 1 through 4] and a proceeding under 15-1-211 with respect to the action, the Montana pass-through entity representative for the tax year has the sole authority to act on behalf of the pass-through entity, and the pass-through entity's direct owners and indirect owners are bound by those actions.

(c) The department may establish reasonable qualifications and procedures for designating a person to be the Montana pass-through entity representative.

(3) Nothing in this section prevents a pass-through entity that does not have business activity in the state during the tax year but that does have resident owners from electing to pay the entity tax.

Section 4. Pass-through entity tax -- refundable credit -- credit for taxes paid to another state. (1) An owner that is not a pass-through entity may claim the distributive share of the owner's entity tax paid by an electing pass-through entity as a refundable credit against the taxes under this chapter.

(2) An owner that is an electing pass-through entity shall claim its distributive share of entity tax paid by another pass-through entity as a refundable credit against the taxes under 15-30-3312, 15-30-3313, or [section 2(1)].

(3) An owner that is not an electing pass-through entity must allocate its distributive share of entity tax paid by another pass-through entity and any amount of estimated tax paid to owners subject to tax under this chapter based on the owner's share of profit and loss. The owner that is not an electing pass-through entity may claim the remainder as an overpayment or refund.

(4) [Sections 1 through 4] do not prevent a resident owner from claiming a credit for taxes paid to another state as provided in 15-30-2302.

Section 5. Section 15-30-2110, MCA, is amended to read:

"**15-30-2110. (Temporary) Adjusted gross income.** (1) Subject to subsection (15), adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability as determined under subsection (16);

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; ~~and~~

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income*; and*

(h) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3).

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including $800 for a taxpayer filing a separate return and $1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii) and subject to subsection (17), the first $4,070 of all pension and annuity income received as defined in 15-30-2101;

(ii) subject to subsection (17), for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by $2 for every $1 of federal adjusted gross income in excess of $33,910 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by $2 for every $1 of federal adjusted gross income in excess of $33,910 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, including a medical care savings account inherited by an immediate family member as provided in 15-61-202(6);

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions or earnings withdrawn from an account established under the Montana family education savings program, Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-3003, deposited in a Montana farm and ranch risk management account, as provided in 15-30-3001 through 15-30-3005, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-2602.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303;

(r) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(s) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104; and

(t) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1.

(3) A shareholder of a DISC that is exempt from the corporate income tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) (a) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) Married taxpayers filing a joint federal return who are allowed a capital loss deduction under section 1211 of the Internal Revenue Code, 26 U.S.C. 1211, and who file separate Montana income tax returns may claim the same amount of the capital loss deduction that is allowed on the federal return. If the allowable capital loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(7) In the case of passive and rental income losses, married taxpayers filing a joint federal return and who file separate Montana income tax returns are not required to recompute allowable passive losses according to the federal passive activity rules for married taxpayers filing separately under section 469 of the Internal Revenue Code, 26 U.S.C. 469. If the allowable passive loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(8) Married taxpayers filing a joint federal return in which one or both of the taxpayers are allowed a deduction for an individual retirement contribution under section 219 of the Internal Revenue Code, 26 U.S.C. 219, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction must be attributed to the spouse who made the contribution.

(9) (a) Married taxpayers filing a joint federal return who are allowed a deduction for interest paid for a qualified education loan under section 221 of the Internal Revenue Code, 26 U.S.C. 221, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(b) Married taxpayers filing a joint federal return who are allowed a deduction for qualified tuition and related expenses under section 222 of the Internal Revenue Code, 26 U.S.C. 222, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(10) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to $100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds $15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not

the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding $15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(11) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce adjusted gross income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(b) Contributions made pursuant to this subsection (11) are subject to the recapture tax provided in 15-62-208.

(12) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce adjusted gross income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection (12)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(b) Contributions made pursuant to this subsection (12) are subject to the recapture tax provided in 53-25-118.

(13) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection (13)(a)(iv), not to exceed $5,000, from the taxpayer's adjusted gross income if the taxpayer:

(i) is a health care professional licensed in Montana as provided in Title 37;

(ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;

(iii) has had a student loan incurred as a result of health-related education; and

(iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (13)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (13)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private

loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional.

(14) A taxpayer may exclude the amount of loan repayment assistance received during the tax year pursuant to Title 20, chapter 4, part 5, not to exceed $5,000, from the taxpayer's adjusted gross income.

(15) Notwithstanding the provisions of subsection (1), adjusted gross income does not include 40% of capital gains on the sale or exchange of capital assets before December 31, 1986, as capital gains are determined under subchapter P. of Chapter 1 of the Internal Revenue Code as it read on December 31, 1986.

(16) A refund received of federal income tax referred to in subsection (1)(b) must be allocated in the following order as applicable:

(a) to federal income tax in a prior tax year that was not deducted on the state tax return in that prior tax year;

(b) to federal income tax in a prior tax year that was deducted on the state tax return in that prior tax year but did not result in a reduction in state income tax liability in that prior tax year; and

(c) to federal income tax in a prior tax year that was deducted on the state tax return in that prior tax year and that reduced the taxpayer's state income tax liability in that prior tax year.

(17) By November 1 of each year, the department shall multiply the amount of pension and annuity income contained in subsection (2)(c)(i) and the federal adjusted gross income amounts in subsection (2)(c)(ii) by the inflation factor for the following tax year, rounded to the nearest $10. The resulting amounts are effective for that following tax year and must be used as the basis for the exemption determined under subsection (2)(c). (Repealed effective January 1, 2024--secs. 65, 70(1), Ch. 503, L. 2021; subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001; subsection (2)(t) terminates June 30, 2027--sec. 10, Ch. 374, L. 2017; subsection (2)(s) terminates December 31, 2029--sec. 20, Ch. 480, L. 2021.)"

Section 6. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. (Effective January 1, 2024) Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed; ~~and~~

(j) for ~~a~~ *an individual* taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c)*; and*

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through (3)(m);

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received pursuant to 10-1-1114 or from the federal government by a service member, as defined in 10-1-1112, as reimbursement for group life insurance premiums paid;

(iv) the amount received by a beneficiary pursuant to 10-1-1201; and

(v) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and

the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) an amount equal to 30% of net-long term capital gains, as defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222, if and to the extent such gain is taken into account in computing federal taxable income; and

(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163.

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition

program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g)."

Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 15, chapter 30, part 33, and the provisions of Title 15, chapter 30, part 33, apply to [sections 1 through 4].

Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 6] is effective January 1, 2024.

Section 9. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2022.

Approved May 19, 2023

CHAPTER NO. 703

[SB 557]

AN ACT REVISING THE ENVIRONMENTAL POLICY ACT RELATING TO LEGAL CHALLENGES; REQUIRING A FEE TO COMPILE RECORDS; PROVIDING THAT CERTAIN CHALLENGES RELATED TO GREENHOUSE GASSES CANNOT VOID ACTIONS UNLESS REQUIRED BY FEDERAL

AGENCY OR ACT OF CONGRESS; AMENDING SECTION 75-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in accordance with Article IX, section 1(2), of the Montana constitution, the Legislature is constitutionally delegated the authority to implement the right to a clean and healthful environment; and

WHEREAS, the Legislature, mindful of its constitutional obligation to provide for the administration and enforcement of the constitution, has enacted a comprehensive set of laws to accomplish the goals of the constitution; and

WHEREAS, the Legislature has reviewed the intent of the framers of the 1972 constitution as evidenced in the verbatim transcripts of the constitutional convention; and

WHEREAS, there is no indication that one enumerated inalienable right is intended to supersede other inalienable rights, including the right to use property in all lawful means; and

WHEREAS, the United States Supreme Court's decision in West Virginia v. EPA realigns the separation of powers to restrict the administrative state; and

WHEREAS, Congress has neither explicitly passed legislation that regulates greenhouse gases as pollutants under the federal Clean Air Act nor explicitly directed the Environmental Protection Agency to regulate carbon dioxide.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-1-201, MCA, is amended to read:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the state, except the legislature and except as provided in subsections (2) and (3), shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking for a state-sponsored project that may have an impact on the Montana human environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection (1)(b)(iv)(C)(III);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking for state-sponsored projects, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact the human environment in Montana are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of the human environment in Montana a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse effects on Montana's environment that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. Neither the alternatives analysis nor the resulting recommendations bind the project sponsor to take a recommended course of action, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.

(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the legislature and the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly

impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include a review of actual or potential impacts beyond Montana's borders. It may not include actual or potential impacts that are regional, national, or global in nature.

(b) An environmental review conducted pursuant to subsection (1) may include a review of actual or potential impacts beyond Montana's borders if it is conducted by:

(i) the department of fish, wildlife, and parks for the management of wildlife and fish;

(ii) an agency reviewing an application for a project that is not a state-sponsored project to the extent that the review is required by law, rule, or regulation; or

(iii) a state agency and a federal agency to the extent the review is required by the federal agency.

(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

(5) (a) (i) A challenge to an ~~agency action~~ *agency's environmental review* under this part may only be brought against a final agency action *decision* and may only be brought in district court or in federal court, whichever is appropriate. *A challenge may only be brought by a person who submits formal comments on the agency's environmental review prior to the agency's final decision, and the challenge must be limited to those issues addressed in those comments.*

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection (5)(a)(ii) must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection (5)(a) involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

(6) (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue~~, and except~~. *The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except* as provided in subsection (6)(b), the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

(ii) *An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.*

(iii) Except as provided in subsection (6)(b), in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iii)~~*(iv)* Except as provided in subsection (6)(b), the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious ~~or was otherwise not in accordance with law~~.

~~(iv)~~*(v)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If upon reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection (6)(b)(i), the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, or other equitable relief may not enjoin the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, *including but not limited to lost wages of employees and lost project revenues for one year*. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. *If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an injunction may only be issued if the challenger:*

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court

challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

(7) For purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

(8) The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

(9) A project sponsor may request a review of the significance determination or recommendation made under subsection (8) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 19, 2023

CHAPTER NO. 704

[SB 558]

AN ACT REQUIRING RETAIL ESTABLISHMENTS, THE STATE, AND POLITICAL SUBDIVISIONS OF THE STATE TO ACCEPT UNITED STATES CURRENCY; REQUIRING THE ACCEPTANCE OF UNITED STATES CURRENCY AS IT APPLIES TO THE PAYMENT OF GOODS AND SERVICES; PROVIDING EXCEPTIONS; AND PROVIDING A FEE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Acceptance of United States currency -- retailers -- government subdivision. (1) (a) Except as provided in subsection (2), a retail establishment offering goods or services for sale must accept United States currency, including federal reserve notes, from a buyer to purchase the goods or services.

(b) The state or any political subdivision of the state shall accept United States currency, including federal reserve notes, from any member of the public.

(2) (a) This section applies to a retail establishment only if the establishment has an individual accepting payment in person for the goods and services being offered.

(b) This section does not apply to a retail transaction in which the retail establishment requires that:

(i) a security deposit be placed on a credit card; or

(ii) a credit card number be provided to cover unforeseen damages or expenses.

(c) This section does not apply to a retail establishment that uses a device to convert a consumer's cash into a prepaid card allowing the consumer to complete a transaction at the retail establishment if:

(i) the transaction does not include a fee;

(ii) the transaction does not require a minimum deposit greater than $1;

(iii) on request, the consumer is provided with a receipt indicating the amount of cash the consumer deposited in the prepaid card; and

(iv) the underlying money on the prepaid card is not subject to an expiration date and there is no limit on the number of transactions that may be completed using the prepaid card.

(d) This section does not apply to a bank or a credit union as defined in Title 32.

(e) A retail establishment with more than one point of sale at a single address complies with this section if it accepts United States currency, including federal reserve notes, at no fewer than one point of sale at the address.

(3) A person who fails to accept United States currency as required in subsection (1) must pay a maximum $100 fee per violation of this section, determined by the department of justice, to the department of justice for the administration of this section to continue to transact business.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 30, and the provisions of Title 30 apply to [section 1].

Approved May 19, 2023

CHAPTER NO. 705

[SB 564]

AN ACT REVISING THE MONTANA HEALTH CORPS ACT; EXPANDING ELIGIBILITY FOR SERVICES PROVIDED BY HEALTH CORPS PHYSICIANS; ALLOWING THE BOARD OF MEDICAL EXAMINERS TO MAKE MEDICAL MALPRACTICE INSURANCE AVAILABLE TO HEALTH CORPS MEMBERS; REQUIRING A FEE ON PHYSICIANS FOR BOARD-PURCHASED MEDICAL MALPRACTICE INSURANCE; REVISING THE APPLICATION FEE FOR INITIAL ENROLLMENT IN THE HEALTH CORPS PROGRAM; PROVIDING A DEFINITION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 27-1-736, 37-3-203, 37-3-802, 37-3-803, 37-3-804, AND 37-3-805, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 27-1-736, MCA, is amended to read:

"**27-1-736. Limits on liability of medical practitioner or dental hygienist who provides services without compensation.** (1) A medical practitioner, as defined in 37-2-101, or a dental hygienist licensed under Title 37, chapter 4, who renders, at any site, any health care within the scope of the provider's license, voluntarily and without compensation, to a patient of a clinic, to a patient referred by a clinic, or in a community-based program to provide access to health care services for uninsured persons is not liable to a person for civil damages resulting from the rendering of the care unless

the damages were the result of gross negligence or willful or wanton acts or omissions by the medical practitioner or dental hygienist. Each patient must be given notice that under state law the medical practitioner or dental hygienist cannot be held legally liable for ordinary negligence if the medical practitioner or dental hygienist does not have malpractice insurance.

(2) A physician participating in the Montana health corps act provided for in Title 37, chapter 3, part 8, is immune from liability as provided in 37-3-806.

~~(2)~~*(3)* For purposes of this section:

(a) "clinic" means a place for the provision of health care to patients that is organized for the delivery of health care without compensation or that is operated as a health center under 42 U.S.C. 254b;

(b) "community-based program to provide access to health care services for uninsured persons" means a local program in which care is provided without compensation to individuals who have been referred through that community-based program and in which the medical practitioner or dental hygienist has entered into a written agreement to provide the service;

(c) "health care" has the meaning provided in 50-16-504;

(d) "without compensation" means that the medical practitioner or dental hygienist voluntarily rendered health care without receiving any reimbursement or compensation, except for reimbursement for supplies.

~~(3)~~*(4)* Subsection (1) applies only to a medical practitioner or dental hygienist who:

(a) does not have malpractice insurance coverage because the medical practitioner or dental hygienist is retired or is otherwise not engaged in active practice; or

(b) has malpractice insurance coverage that has a rider or exclusion that excludes coverage for services provided under this section."

Section 2. Section 37-3-203, MCA, is amended to read:

"**37-3-203. Powers and duties -- rulemaking authority.** (1) The board may:

(a) adopt rules necessary or proper to carry out the requirements in ~~Title 37, chapter 3, parts 1 through 4,~~ *this chapter* and of chapters covering podiatry, acupuncture, physician assistants, nutritionists, and emergency care providers as set forth in Title 37, chapters 6, 13, 20, and 25, and 50-6-203, respectively. Rules adopted for emergency care providers with an endorsement to provide community-integrated health care must address the scope of practice, competency requirements, and educational requirements.

(b) hold hearings and take evidence in matters relating to the exercise and performance of the powers and duties vested in the board;

(c) aid the county attorneys of this state in the enforcement of parts 1 through 4 and 8 of this chapter as well as Title 37, chapters 6, 13, 20, and 25, and Title 50, chapter 6, regarding emergency care providers licensed by the board. The board also may assist the county attorneys of this state in the prosecution of persons, firms, associations, or corporations charged with violations of the provisions listed in this subsection (1)(c).

(d) review certifications of disability and determinations of eligibility for a permit to hunt from a vehicle as provided in 87-2-803(11); and

(e) fund additional staff, hired by the department, to administer the provisions of this chapter, by increasing license fees as necessary.

(2) (a) The board shall establish a medical assistance program to assist and rehabilitate licensees who are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness.

(b) The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state.

(3) (a) The board shall report annually on the number and types of complaints it has received involving physician practices in providing written certification, as defined in 16-12-502, for the use of marijuana for a debilitating medical condition provided for in Title 16, chapter 12, part 5. The report must contain:

(i) the number of complaints received by the board pursuant to 37-1-308;

(ii) the number of complaints for which a reasonable cause determination was made pursuant to 37-1-307;

(iii) the general nature of the complaints;

(iv) the number of investigations conducted into physician practices in providing written certification; and

(v) the number of physicians disciplined by the board for their practices in providing written certification for the use of marijuana for a debilitating medical condition.

(b) Except as provided in subsection (3)(c), the report may not contain individual identifying information regarding the physicians about whom the board received complaints.

(c) For each physician against whom the board takes disciplinary action related to the physician's practices in providing written certification for the use of marijuana for a debilitating medical condition, the report must include:

(i) the name of the physician;

(ii) the general results of the investigation of the physician's practices; and

(iii) the disciplinary action taken against the physician.

(d) The board shall provide the report to the economic affairs interim committee in accordance with 5-11-210 and shall make a copy of the report available on the board's website.

(4) The board may enter into agreements with other states for the purposes of mutual recognition of licensing standards and licensing of physicians and emergency care providers from other states under the terms of a mutual recognition agreement."

Section 3. Section 37-3-802, MCA, is amended to read:

"**37-3-802. Purpose -- establishment of program.** ~~(1)~~ The purposes of this part are to:

~~(a)~~*(1)* provide ~~primary~~ outpatient care to ~~individuals eligible for medicare or medicaid~~ *eligible individuals* by retired physicians at affordable prices;

~~(b)~~*(2)* keep the elderly or infirm in their homes longer; and

~~(c)~~*(3)* provide home health care visits for patients who have difficulty in traveling.

~~(2) The board shall adopt rules to establish the program. The rules must provide procedures for enrolling retired physicians in the health corps and procedures under which physicians or health care facilities may refer medicare or medicaid patients to members of the health corps.~~"

Section 4. Section 37-3-803, MCA, is amended to read:

"**37-3-803. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Eligible individual" means an individual who is:

(a) enrolled in the medicare program;

(b) enrolled in the medical assistance program provided for in Title 53, chapter 6; or

(c) uninsured and whose family income does not exceed 200% of the federal poverty level.

~~(1)~~*(2)* "Health care" has the meaning provided in 50-16-504.

~~(2)~~*(3)* "Health care facility" has the meaning provided in 50-5-101."

Section 5. Section 37-3-804, MCA, is amended to read:

"**37-3-804. Eligibility for participation.** A ~~retired~~ physician who is properly licensed and in good standing in Montana may participate in the health corps provided for in this part *on:*

(1) payment of a fee established by the board by rule; and

(2) providing a listing of clinical services offered by the applicant and the location where the services are offered if the services are rendered outside of a person's home. ~~The board shall accept applications for participation in the health corps and provide written guidelines to participants in the health corps concerning the provisions of this part and rules adopted to implement this part.~~"

Section 6. Section 37-3-805, MCA, is amended to read:

"**37-3-805. ~~Referral of patients to program -- visits~~ *Visits* -- charges.** ~~(1) The board shall adopt rules under which physicians or health care facilities may refer medicare or medicaid patients to the health corps program.~~

(1) Physicians or health care facilities may refer medicare or medicaid patients to the health corps program.

~~(2)~~*(2)* - A health corps member ~~shall~~ *may* make home visitations to eligible patients *individuals* for the purpose of providing health care to eligible patients *the individuals*.

~~(3)~~*(3)* A health corps member may charge $10 for a patient contact or visit and may submit a charge to medicare or medicaid."

Section 7. Insurance coverage -- assessment on licensees -- optional use. (1) Subject to 37-1-121, the board may procure a malpractice insurance policy to provide coverage for health corps members. The coverage:

(a) may not cover any services:

(i) performed by a physician who has not paid the fee required under 37-3-804 to participate in the Montana Health Corps Act; or

(ii) provided by a health corps physician to someone other than an eligible individual;

(b) is limited to damages available pursuant to 37-3-806; and

(c) does not create, infer, or establish any agency relationship or liability by the board for any services performed under the Montana Health Corps Act.

(2) A policy purchased by the board under this section must be paid for by a fee established by the board by rule that is assessed on all physicians licensed by the board.

(3) A health corps member is not required to use insurance provided under this section. A physician's decision not to use the insurance provided under this section does not affect the physician's liability under 37-3-806.

Section 8. Effective date. [This act] is effective July 1, 2023.

Section 9. Codification instruction. [Section 7] is intended to be codified as an integral part of Title 37, chapter 3, part 8, and the provisions of Title 37, chapter 3, part 8, apply to [section 7].

Section 10. Applicability. [This act] applies to health care services provided on or after July 1, 2023.

Approved May 19, 2023

CHAPTER NO. 706

[HB 382]

AN ACT REVISING THE STATE-LEVEL STRENGTHENING CAREER AND TECHNICAL STUDENT ORGANIZATIONS PROGRAM; REVISING THE ALLOCATION OF FUNDING BETWEEN THE CAREER AND TECHNICAL STUDENT ORGANIZATIONS AND PROVIDING PURPOSES FOR DISTRIBUTED FUNDS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-7-320, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-7-320, MCA, is amended to read:

"**20-7-320. State-level strengthening career and ~~technology~~ *technical* student organizations.** (1) There is a state-level strengthening career and ~~technology~~ *technical* student organizations program.

(2) The purposes of the program are to:

(a) strengthen Montana's career and ~~technology~~ *technical* student organizations by increasing graduation rates, enhancing student leadership opportunities, developing workforce skills, and facilitating transitions to postsecondary education and employment for all participating students;

(b) ensure alignment of activities of local career and ~~technology~~ *technical* student organizations with nationally affiliated programs and activities; ~~and~~

(c) provide a base of funding for the statewide coordination of ~~state-approved~~ career and ~~technology~~ *technical* student organizations*; and*

(d) distribute performance grants to career and technical student organizations.

(3) To be eligible for funding under this section, each state-approved career and ~~technology~~ *technical* student organization must be affiliated with a respective national career and ~~technology~~ *technical* student organization and be appropriately incorporated as a Montana nonprofit organization in compliance with state law and regulations regarding operations and financial reporting ~~by May 1, 2013~~. *The career and technical student organizations eligible for funding under this section are:*

(a) Montana HOSA: future health professionals;

(b) Montana BPA (business professionals of America);

(c) Montana DECA (distributive education clubs of America);

(d) Montana FFA (future farmers of America);

(e) Montana TSA (technology student association);

(f) skillsUSA Montana; and

(g) Montana FCCLA (family, career and community leaders of America).

(4) The superintendent of public instruction shall distribute funds appropriated for ~~grants to state-approved~~ *base funding of* career and ~~technology~~ *technical* student organizations by ~~November 1~~ *September 1 each year*. Each ~~grant recipient~~ *organization* must receive ~~a~~ *an equal* base amount of funding *utilizing the full amount appropriated for base funding* to support ~~the position of state director for the organization~~ *operations, management, and expenses. If an organization declines this funding for any reason, the remainder must be split equally between remaining career technical student organizations.*

~~(5) The superintendent of public instruction shall supervise and coordinate the program by establishing procedures and criteria for review and approval of grants to state-approved career and technology student organizations.~~

~~(6) Proposals submitted to the superintendent of public instruction by career and technology student organizations must contain:~~

~~(a) a program description, including measurable objectives;~~

~~(b) evidence of hiring a state director and a plan for expanding student leadership skills;~~

~~(c) evidence of appropriate activities that will serve to achieve the program objectives; and~~

~~(d) a method to evaluate the effectiveness of the program.~~

(5) (a) The superintendent of public instruction shall distribute performance grants to career and technical student organizations by September 1 each year as described in this subsection (5). To be eligible for a performance grant, an organization must attest to and provide documentation of a minimum of $20,000 in matching funds, which must consist of a minimum of $15,000 in cash donations or other verifiable market value and may include $5,000 in in-kind contributions. An organization may not receive more than 20% of the amount appropriated for performance grants in any fiscal year.

(b) Career and technical student organizations shall submit proposals for performance grants by June 15 each year. The proposals must contain the following:

(i) a written plan detailing goals, objectives, and outcomes that the organization plans to accomplish in the next fiscal year and the performance metrics to be used to evaluate effectiveness. The plan must include goals related to:

(A) student leadership skills;

(B) membership retention and growth;

(C) workforce experience; and

(D) community and business engagement.

(ii) a description of specific efforts the organization will undertake in the next fiscal year to:

(A) increase participation in rural areas, public and nonpublic schools, and home schools;

(B) make online chapters and remote opportunities available;

(C) increase student attainment of workforce certifications, credentials, trainings, dual enrollment credits, internships, preapprenticeships, and career explorations and job shadow experiences; and

(D) collaborate and form partnerships with business and industry;

(iii) a projected budget for the upcoming grant cycle; and

(iv) a performance report for the current fiscal year that includes but is not limited to the following:

(A) an organizational overview including but not limited to:

(I) the state director;

(II) the state board members;

(III) chapters and locations; and

(IV) membership totals;

(B) accomplishments related to the items set forth in the prior year's proposal, including relevant data;

(C) an accounting of expenditures of grant funds; and

(D) evidence of a minimum of $20,000 in matching funds, which must consist of a minimum of $15,000 in cash donations or other verifiable market value and may include $5,000 in in-kind contributions.

(c) The superintendent of public instruction shall award performance grants based on evaluations of the proposals and shall score proposals using equally weighted metrics in each category in subsections (5)(b)(i) through (5)(b)(iv).

(d) Career and technical student organizations may request assistance from the office of public instruction in formulating proposals for performance grants.

(e) For fiscal year 2024, the money appropriated for performance grants to career and technical student organizations must be distributed equally to the career and technical student organizations.

~~(7) Career and technology student organizations may request assistance from the staff of the superintendent of public instruction in formulating program proposals.~~

~~(8) Additional or remaining funds appropriated for the purposes of this section may be allocated to state-approved career and technology student organizations pursuant to policies adopted under 20-7-301.~~

(6) The superintendent of public instruction shall report, in accordance with 5-11-210, to the education interim committee on the funding distributed under the state-level strengthening career and technical student organizations program established in this section and the outcomes reported by organizations pursuant to subsection (5).

~~(9)~~*(7)* As used in this section, "career and ~~technology~~ *technical* student organization" *or "organization"* means an organization for students enrolled in a state-approved career and ~~technology~~ *technical education* program that engages in career and ~~technology~~ *technical* education activities as an integral part of the instructional program."

Section 2. Appropriation. (1) There is appropriated $350,000 from the general fund to the office of public instruction for each fiscal year of the biennium beginning July 1, 2023, for performance grants under the state-level strengthening career and technical student organizations program pursuant to 20-7-320(5) in addition to the $553,000 appropriation in House Bill No. 2.

(2) The legislature intends that:

(a) the $553,000 appropriation in House Bill No. 2 be distributed as base funding as described in 20-7-320(4) in equal amounts of $79,000 to each of the career and technical student organizations in each year of the biennium beginning July 1, 2023;

(b) the appropriation in this section be considered part of the ongoing base for the next legislative session; and

(c) there be two separate appropriations for the state-level strengthening career and technical student organizations program pursuant to 20-7-320 in the ongoing base for the next legislative session as follows:

(i) one for base funding under 20-7-320(4); and

(ii) another for performance grants under 20-7-320(5).

Section 3. Effective date. [This act] is effective July 1, 2023.

Approved May 19, 2023

CHAPTER NO. 707

[HB 4]

AN ACT APPROPRIATING MONEY THAT WOULD USUALLY BE APPROPRIATED BY BUDGET AMENDMENT TO VARIOUS STATE AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 2023; PROVIDING THAT CERTAIN APPROPRIATIONS CONTINUE INTO STATE AND FEDERAL FISCAL YEARS 2024 AND 2025; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Time limits. The appropriations contained in [section 2] are intended to provide necessary expenditures for the years for which the appropriations are made. The unspent balance of an appropriation reverts to the fund from which it was appropriated on conclusion of the final fiscal year for which its expenditures are authorized by [sections 1 and 2].

Section 2. Appropriations. The following money is appropriated, subject to the terms and conditions of [sections 1 and 2]:

Agency and Program

Judiciary

Supreme Court Operations

All remaining fiscal year 2023 federal budget amendment authority for the adult drug court and veterans treatment court discretionary grant program is authorized to continue into federal fiscal year 2025.

District Court Operations

All remaining fiscal year 2023 federal budget amendment authority for the Missoula veterans court expansion and enhancement and for the 2018 adult drug court implementation is authorized to continue into state fiscal year 2024.

Governor's Office

Office of Budget and Program Planning

All remaining fiscal year 2023 federal budget amendment authority for coronavirus state and local fiscal recovery funds for non-entitlement units of local government, for local water and sewer infrastructure grants, for communication projects related to broadband infrastructure, for economic transformation and stabilization grants and workforce development grants, for nursing home and hospital-based swing bed payments and provider rate study, for state capital projects, for state capital projects administrative costs, for coronavirus capital projects funds, for 31 CFR, part 35, and for assistance to nonpublic schools is authorized to continue into federal fiscal year 2025.

31 CFR, Part 35 Fiscal Year 2023 $53,226,983 Federal

Secretary of State

Business and Government Services

Help America Vote Act Elections Security Grant

Fiscal Year 2023 $1,000,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for the Help America Vote Act elections security grant is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the election security grant is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the Help America Vote Act is authorized to continue into state fiscal year 2025.

Office of Public Instruction

State Level Activities

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act elementary and secondary school emergency relief fund is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the farm-to-school grants and for the alternative student testing program is authorized to continue into federal fiscal year 2025.

Local Education Activities

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act elementary and secondary school emergency relief fund and for national school lunch program school equipment grants is authorized to continue into federal fiscal year 2024.

Department of Justice

Legal Services Division

All remaining fiscal year 2023 federal budget amendment authority for prescription drug prevention is authorized to continue into federal fiscal year 2025.

Montana Highway Patrol

Fiscal Year 2023 High Intensity Drug Trafficking Areas Program

Fiscal Year 2023 $61,488 Federal

All remaining fiscal year 2023 federal budget amendment authority for high intensity drug trafficking areas is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the fiscal year 2023 high intensity drug trafficking areas is authorized to continue into state fiscal year 2025.

Division of Criminal Investigations

Fiscal Year 2023 High Intensity Drug Trafficking Areas Program

Fiscal Year 2023 $136,650 Federal

DEA Program Funded Officer Overtime Allocation

Fiscal Year 2023 $39,682 Federal

Federal Forfeitures Fiscal Year 2023 $106,735 Federal

Internet Crimes Against Children Task Force

Fiscal Year 2023 $346,984 Federal

Fiscal Year 2021 Victim Compensation Formula Grant

Fiscal Year 2023 $184,897 Federal

Fiscal Year 2022 Victim Compensation Formula Grant

Fiscal Year 2023 $284,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for high intensity drug trafficking areas, for the internet crimes against children task force, and for the DEA program funded officer overtime allocation is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the cooperative disability investigations unit, for the 2021 victim compensation formula grant, and for the support for the Adam Walsh Act implementation grant program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the fiscal year 2023 high intensity drug trafficking areas is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the 2022 victim compensation formula grant is authorized to continue into federal fiscal year 2025.

Board of Crime Control

Byrne State Crisis Intervention Program Formula Solicitation

Fiscal Year 2023 1,387,530 Federal

All remaining fiscal year 2023 federal budget amendment authority for developing high-risk teams to reduce intimate partner violence and homicides and for the victim liaison project is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for delinquency prevention programs and for the Byrne state crisis intervention program formula solicitation is authorized to continue into federal fiscal year 2025.

Forensic Science Division

National Center of Forensics Grant

Fiscal Year 2023 $109,153 Federal

Fiscal Year 2022 DNA Capacity Enhancement for Backlog Reduction Program Fiscal Year 2023 $530,063 Federal

All remaining fiscal year 2023 federal budget amendment authority for the national center of forensics grant is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2022 DNA capacity enhancement for backlog reduction program is authorized to continue into federal fiscal year 2024.

Motor Vehicle Division

Credential and Registration System

Fiscal Year 2023 $1,447,500 State Special

Public Service Regulation

Public Service Regulation Program

Fiscal Year 2019 Railroad Safety Participation Grant

Fiscal Year 2023 $1,825 Federal

Fiscal Year 2020 Railroad Safety State Participation Grant

Fiscal Year 2023 $2,572 Federal

Montana Arts Council

Promotion of the Arts

All remaining fiscal year 2023 federal budget amendment authority for the promotion of the arts partnership agreements is authorized to continue into state fiscal year 2024.

Montana State Library

Statewide Library Resources

All remaining fiscal year 2023 federal budget amendment authority for implementing the post-delisting monitoring plan for Howellia aquatilis is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the citizen botany pilot study, for the citizen botany program, for the Montana natural heritage program, for the North American bat monitoring program, for creating improved conservation planning through development, archiving, and distribution of geographic information systems in the state, for managing current and comprehensive biodiversity information and for species surveys, for the Custer Gallatin national forest raptor survey and monitoring, for the state library supplemental award, and for species surveys and monitoring is authorized to continue into federal fiscal year 2025.

Montana Historical Society

Administration Program

All remaining fiscal year 2023 federal budget amendment authority for documenting Montana's Chinese American historic sites is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for a new Montana heritage center is authorized to continue into state fiscal year 2025.

Research Center

All remaining fiscal year 2023 federal budget amendment authority for upgrades to the mechanical system is authorized to continue into state fiscal year 2024.

Historic Preservation Program

All remaining fiscal year 2023 federal budget amendment authority for documenting Montana's Chinese American historic sites is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for data sharing is authorized to continue into federal fiscal year 2024.

Department of Fish, Wildlife, and Parks

Fisheries Division

Sekokini Springs Hatchery Fiscal Year 2023 $5,406 Federal

Enforcement Division

All remaining fiscal year 2023 federal budget amendment authority for Jefferson division travel plan monitoring is authorized to continue into federal fiscal year 2024.

Wildlife Division

Grizzly Bear Management Assistance

Fiscal Year 2023 $94,193 Federal

All remaining fiscal year 2023 federal budget amendment authority for the Madison valley pronghorn movements study, for expanding walk-in game bird hunting access, for the forest legacy program administration funding, for pronghorn movement and population ecology, for ungulate movements and spatial ecology, and for the elk recreation study is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for studying the effects of grazing management on invertebrates, songbirds, and sage grouse is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the upper Yellowstone pronghorn movement and population ecology, for implementation of prairie pothole joint venture activities, for elk habitat management phase one, and for elk habitat management is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the Wood Bottom habitat enhancement management plan, for grizzly bear management assistance, for cooperative weed management, for evaluating habitat carnivore abundance and elk vital rates in Pilgrim Creek, and for habitat conservation leases is authorized to continue into federal fiscal year 2025.

Parks and Outdoor Recreation Division

All remaining fiscal year 2023 federal budget amendment authority for the Council Grove sign is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the Smith River corridor management is authorized to continue into federal fiscal year 2025.

Capital Outlay

Recreational Boating Safety Program

Fiscal Year 2023 $29,469 Federal

Montana Great Outdoors Conservation Legacy Project

Fiscal Year 2023 $20,000,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for the upper Ruby wildlife habitat improvement project, for the Montana great outdoors conservation legacy project, for the recreational boating safety program, and for the north hills rattlesnake wildlife habitat improvement project is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the Chief Plenty Coups state park and national landmark preservation is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for preliminary work to improve winter habitat for arctic grayling in upper Red Rock Lake is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for habitat conservation leases is authorized to continue into federal fiscal year 2025.

Communication and Education Division

Aquatic Invasive Species Prevention and Education

Fiscal Year 2023 $17,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for aquatic invasive species prevention and education is authorized to continue into state fiscal year 2024.

Administration

All remaining fiscal year 2023 federal budget amendment authority for wildlife surveys on the Flathead Indian reservation is authorized to continue into state fiscal year 2024.

Department of Environmental Quality

Central Management Program

All remaining fiscal year 2023 federal budget amendment authority to enhance IT and data management capabilities is authorized to continue into federal fiscal year 2024.

Water Quality Division

All remaining fiscal year 2023 federal budget amendment authority for the Clean Water Act section 106 grant and for the 2019 nonpoint source project grant is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2020 nonpoint source project grant and for the 2022 BIL 604B supplemental grant is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the section 106 monitoring initiative grant, for the 2021 nonpoint source project grant, for the 2022 drinking water state revolving fund supplemental grant, for the clean water state revolving fund 2022 BIL supplemental grant, and for the 2023 nonpoint source project grant is authorized to continue into federal fiscal year 2025.

Waste Management and Remediation Division

Tenmile Creek Mining Remedial Action

Fiscal Year 2023 $6,810,000 Federal

Brownfields Infrastructure Investment and Jobs

Fiscal Year 2023 $1,024,960 Federal

All remaining fiscal year 2023 federal budget amendment authority for brownfields infrastructure investment and jobs is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for Tenmile Creek mining remedial action is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the brownfields assessment cooperative agreement is authorized to continue into federal fiscal year 2025.

Air, Energy, and Mining Division

State Energy Program Bipartisan Infrastructure Law Grant

Fiscal Year 2023 $3,553,580 Federal

All remaining fiscal year 2023 federal budget amendment authority for a plan to enhance ambient monitoring of pollutants is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the state energy program bipartisan infrastructure law grant and for coal e-permitting is authorized to continue into federal fiscal year 2025.

Department of Transportation

Highway and Engineering Division

All remaining fiscal year 2023 federal budget amendment authority for the 2020 federal-aid highway program obligation and for the 2021 apportionment of highway infrastructure program funds is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2021 federal-aid highway program obligation and for the 2022 federal-aid highway program obligation is authorized to continue into federal fiscal year 2025.

Motor Carrier Services Division

All remaining fiscal year 2023 federal budget amendment authority for the 2020 high priority grant program and for the 2022 motor carrier safety assistance program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2022 high priority grant program is authorized to continue into federal fiscal year 2025.

Aeronautics Division

All remaining fiscal year 2023 federal budget amendment authority for the Yellowstone airport CARES Act grant and for the Lincoln airport CARES Act grant are authorized to continue into state fiscal year 2024.

Rail, Transit, and Planning Division

All remaining fiscal year 2023 federal budget amendment authority for CARES Act federal transit administration funding is authorized to continue into federal fiscal year 2025.

Department of Livestock

Animal Health Division

Animal Disease Traceability	Fiscal Year 2023	$139,214	Federal
Animal Health Disease Testing	Fiscal Year 2023	$219,803	Federal
Meat and Poultry Inspection	Fiscal Year 2023	$98,282	Federal

All remaining fiscal year 2023 federal budget amendment authority for meat and poultry inspection, for animal disease traceability, and for animal health disease testing is authorized to continue into state fiscal year 2024.

Department of Natural Resources and Conservation

Conservation and Resource Development Division

Emergency Watershed Protection Program			
	Fiscal Year 2023	$1,259,694	Federal

All remaining fiscal year 2023 federal budget amendment authority for the assistance for small and disadvantaged communities drinking water grant program and for the emergency watershed protection program is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the Water Infrastructure Improvements for the Nation Act grant is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for quagga mussel prevention support for the upper Columbia conservation commission, for the 2021 drinking water state revolving fund capitalization grant, and for the 2021 water pollution control capitalization grant is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for improving range health and providing learning opportunities for college interns, for the 2022 drinking water state revolving fund bipartisan infrastructure law supplemental grant, for the 2022 clean water state revolving fund bipartisan infrastructure law supplemental grant, for the 2022 clean water state revolving

fund grant, for the 2022 drinking water state revolving fund grant, and for the sage grouse habitat conservation program, is authorized to continue into federal fiscal year 2025.

Water Resources Division

Federal Reimbursements	Fiscal Year 2023	$3,265	Federal

All remaining fiscal year 2023 federal budget amendment authority for the 2020 cooperative technical partners award is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for enhancing hydrological modeling and water supply forecasting in the upper Yellowstone basin is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the 2021 cooperating technical partners program and for the 2022 cooperating technical partners grants is authorized to continue into federal fiscal year 2025.

Forest and Trust Lands

Good Neighbor Authority Capacity Building			
	Fiscal Year 2023	$392,000	Federal
Restoration Activities on the Lolo National Forest			
	Fiscal Year 2023	$500,000	Federal
Prescribed Fire Assistance to Lolo National Forest			
	Fiscal Year 2023	$30,000	Federal
Fire Adapted Communities Learning Network			
	Fiscal Year 2023	$17,741	Federal
Northern Rockies Fire Contract Operations Support			
	Fiscal Year 2023	$20,000	Federal
Prescribed Fire Assistance to the Custer Gallatin National Forest			
	Fiscal Year 2023	$30,000	Federal

All remaining fiscal year 2023 federal budget amendment authority for prescribed fire assistance for the Flathead national forest, for the 2019 consolidated payments grant, for forest health western bark beetle assistance, for 2019 hazardous fuel reduction, for the conservation reserve program sign-up, for the community forest and open space Mount Dean Stone technical assistance grant, for the fire adapted communities learning network and for 2020 shared stewardship assistance is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for prescribed burning and fuel reduction assistance for the Beaverhead-Deerlodge national forest, for the statewide good neighbor program, for planning and implementation of forest land-related conservation activities, for the urban forest equity initiative, for the fire adapted Montana learning network, and for the emergency fire restoration program for Musselshell and Gallatin Counties is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2020 consolidated payments grant, and for 2020 hazardous fuels reduction is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the 2021 consolidated forestry program grant, for 2021 hazardous fuels reduction, for the 2022 consolidated forestry program grant, for good neighbor forest restoration services, for the good neighbor agreement for the Flathead national forest, for Kootenai complex restoration projects, for the good neighbor agreement for east side forests restoration, for restoration activities in the Beaverhead-Deerlodge national forest, for restoration activities in the Helena-Lewis and Clark national forest, for hazardous fuels reduction in the northern region and the joint chiefs' connecting fuels treatments in the Salish

Mountains and Whitefish Range project, for the crown manager partnership, for the bipartisan infrastructure law community wildfire defense grant, for the bipartisan infrastructure law state forest action plans grant, for the bipartisan infrastructure law state fire assistance grant, for the bipartisan infrastructure law volunteer fire assistance grant, for the wood and biomass program administration, for the joint chief landscape restoration partnership projects, for the community wildfire assistance in the Clark Fork, for the good neighbor agreement for the bitterroot national forest, for the good neighbor projects for Helena-Lewis and Clark National Forest, for the good neighbor authority capacity building, for restoration activities on the Lolo National Forest, for prescribed fire assistance to Lolo National Forest, for the northern Rockies fire contract operations support, and for prescribed fire assistance to the Custer Gallatin National Forest is authorized to continue into federal fiscal year 2025.

Department of Administration

Architecture and Engineering Program

All remaining fiscal year 2023 federal budget amendment authority for the digital equity planning grant is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the broadband equity, access, and deployment program grant is authorized to continue into federal fiscal year 2025.

Long-Range Building

University System

All remaining fiscal year 2023 federal budget amendment authority for state and local water and sewer infrastructure grants is authorized to continue into federal fiscal year 2025.

Department of Agriculture

Central Management Division

Certified Mediation Program	Fiscal Year 2023	$39,948	Federal
2022 Specialty Crop Block Grant Program	Fiscal Year 2023	$43,011	Federal

All remaining fiscal year 2023 federal budget amendment authority for local food purchase assistance and for the certified mediation program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2021 specialty crop block grant program, for the 2022 specialty crop block grant program, for the bipartisan infrastructure law forest health invasive species grant, for the local food purchase assistance program, and for the cooperative invasive plant cost share program is authorized to continue into federal fiscal year 2025.

Agricultural Sciences Division

All remaining fiscal year 2023 federal budget amendment authority for the performance partnership grants is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the cooperative invasive plant cost share program and for the bipartisan infrastructure law forest health initiative species grant is authorized to continue into federal fiscal year 2025.

Agriculture Development Division

Certified Mediation Program	Fiscal Year 2023	$39,947.67	Federal
Local Food Purchase Assistance Program	Fiscal Year 2023	$975,849	Federal

All remaining fiscal year 2023 federal budget amendment authority for the certified mediation program is authorized to continue into federal fiscal year 2024.

2022 Specialty Crop Block Grant Program

Fiscal Year 2023 $3,034,106 Federal

All remaining fiscal year 2023 federal budget amendment authority for local food purchase assistance and for the 2021 specialty crop block grant program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2021 specialty crop block grant program, for the 2022 specialty crop block grant program, and for the local food purchase assistance program is authorized to continue into federal fiscal year 2025.

Department of Corrections

Public Safety

All remaining fiscal year 2023 federal budget amendment authority for the rural education achievement program is authorized to continue into federal fiscal year 2024.

Department of Commerce

Business Montana

All remaining fiscal year 2023 federal budget amendment authority for creating and expanding export opportunities for Montana small businesses is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the state small business credit initiative is authorized to continue into federal fiscal year 2025.

Brand Montana

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act state travel, tourism, and outdoor recreation grant is authorized to continue into federal fiscal year 2025.

Community Montana

All remaining fiscal year 2023 federal budget amendment authority for the 2017 housing trust fund grant agreement is authorized to continue into state fiscal year 2025.

Housing Montana

Section 811 Mainstream Program

Fiscal Year 2023 $62,739 Federal

All remaining fiscal year 2023 federal budget amendment authority for the section 811 mainstream program and for emergency housing vouchers is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act HOME investment partnerships program, for the American Rescue Plan Act emergency rental assistance program, for the project rental assistance demonstration grant, for the 2018 housing trust fund grant agreement, for the community development block grant, and for the homeowner assistance fund is authorized to continue into federal fiscal year 2025.

Director's Office

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act statewide planning awards is authorized to continue into state fiscal year 2024.

Department of Labor and Industry

Workforce Services Division

Easterseals-Goodwill Supplemental Nutrition Assistance Employment and Training Program

Fiscal Year 2023 $164,314 Federal

All remaining fiscal year 2023 federal budget amendment authority for the Easterseals-Goodwill supplemental nutrition assistance employment and training program is authorized to continue into state fiscal year 2024.

Unemployment Insurance Division

Disaster Unemployment Assistance

	Fiscal Year 2023	$30,000	Federal

Pandemic Unemployment Assistance Administration

	Fiscal Year 2023	$42,159	Federal

Pandemic Emergency Unemployment Compensation Administration

	Fiscal Year 2023	$15,962	Federal

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan unemployment insurance equity grant, for the pandemic emergency unemployment compensation administration, and for pandemic unemployment assistance administration is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for disaster unemployment assistance is authorized to continue into state fiscal year 2025.

Employment Standards Division

State Appraiser Regulatory Agency Support Grant

	Fiscal Year 2023	$24,148	Federal

All remaining fiscal year 2023 federal budget amendment authority for the state appraiser regulatory agency support grant is authorized to continue into state fiscal year 2024.

Department of Military Affairs

Challenge Program

Youth Challenge Academy Operations

	Fiscal Year 2023	$437,000	Federal

Wyoming Challenge Academy Funding

	Fiscal Year 2023	$116,910	Federal

Disaster and Emergency Services Division

High Hazard Potential Dams Rehabilitation Grant

	Fiscal Year 2023	$384,937	Federal
Cybersecurity Grant Program	Fiscal Year 2023	$2,427,866	Federal
Disaster Case Management	Fiscal Year 2023	$1,322,049	Federal

Hazard Mitigation Grant Program 5324

	Fiscal Year 2023	$263,830	Federal

Hazard Mitigation Grant Program 4655

	Fiscal Year 2023	$442,921	Federal

Hazard Mitigation Grant Program 4608

	Fiscal Year 2023	$60,070	Federal

Hazard Mitigation Grant Program 4623

	Fiscal Year 2023	$21,920	Federal

All remaining fiscal year 2023 federal budget amendment authority for disaster case management and for the hazard mitigation grant program 5324 is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the homeland security grant program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the hazard mitigation grant program for the post fire is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for the high hazard potential dams rehabilitation grant, for the hazard mitigation grant program 4655, for the hazard mitigation grant program 4608, for

the hazard mitigation grant program 4623, and for the cybersecurity grant program is authorized to continue into federal fiscal year 2025.

Department of Public Health and Human Services

Disability Employment and Transitions Division

All remaining fiscal year 2023 federal budget amendment authority for expanding the public health workforce within the disability network is authorized to continue into federal fiscal year 2024.

Human and Community Services Division

Commodity Credit Corporation Fiscal Year 2023 $28,750 Federal

All remaining fiscal year 2023 federal budget amendment authority for expanding food distribution to rural and underserved populations and for the commodity credit corporation is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the supplemental nutrition assistance program process and technology improvement grants is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for infrastructure investment and for the food stamp performance bonus is authorized to continue into federal fiscal year 2025.

Child and Family Services Division

MaryLee Allen Promoting Safe and Stable Families Program
Fiscal Year 2023 $47,251 Federal

Promoting Safe and Stable Families
Fiscal Year 2023 $200,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for promoting safe and stable families is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for adoption and legal guardianship incentive payments and for the MaryLee Allen promoting safe and stable families program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for family violence prevention and services is authorized to continue into state fiscal year 2025.

All remaining fiscal year 2023 federal budget amendment authority for promoting safe and stable families and for family violence prevention, for family violence prevention services for domestic violence shelter and support services, for the child abuse and neglect state grants, for the adoption and legal guardianship incentive payments, and for sexual assault and rape crisis services and support is authorized to continue into federal fiscal year 2025.

Director's Office

Fiscal Year 2022 Refugee Cash and Medical Assistance
Fiscal Year 2023 $353,856 Federal

Fiscal Year 2022 Refugee Support Services and Set Asides
Fiscal Year 2023 $1,360,267 Federal

Fiscal Year 2023 Refugee Cash and Medical Assistance
Fiscal Year 2023 $115,946 Federal

Fiscal Year 2023 Refugee Support Services and Set Asides
Fiscal Year 2023 $1,122,428 Federal

All remaining fiscal year 2023 federal budget amendment authority for home and community-based services, for the 2022 refugee cash and medical assistance, for the 2023 refugee cash and medical assistance, and for the 2022 refugee support services and set asides is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the 2023 refugee support services and set asides is authorized to continue into federal fiscal year 2024.

Public Health and Safety Division

Public Health Crisis Response MPox			
	Fiscal Year 2023	$199,945	Federal
Juul Settlement Funds	Fiscal Year 2023	$469,855	State Special
State Capacity Building	Fiscal Year 2023	$357,131	Federal
Staff Development and Program Standards Engagement			
	Fiscal Year 2023	$7,500	Federal
Retail Food Standards	Fiscal Year 2023	$5,000	Federal
Sexually Transmitted Disease Prevention and Control			
	Fiscal Year 2023	$2,191,068	Federal

All remaining fiscal year 2023 federal budget amendment authority for immunization cooperative agreements, for epidemiology and laboratory capacity for infectious diseases for enhancing detection expansion, for activities to support state, tribal, and territorial health department response to public health and health care crises, for additional immunization cooperative agreements, for immunization and vaccines for children, for covid-19 vaccination planning and implementation, for staff development and program standards engagement, for retail food standards, for strengthening public health infrastructure, workforce, and data systems in Montana, for sexually transmitted disease prevention and control, for the public health workforce, for state capacity building, for testing and contract tracing, and for evidence-based falls prevention programs is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for epidemiology and laboratory capacity for prevention and control of emerging infectious diseases, for immunization and vaccines for children, for epidemiology and laboratory capacity for prevention and control of emerging infectious diseases, for epidemiology and laboratory capacity for infectious diseases, and for epidemiology and laboratory capacity for infectious diseases data modernization is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for vaccine distribution and supply, for the public health crisis response MPox, for the Juul settlement funds, and for COVID epidemiology and laboratory capacity for prevention and control of emerging infectious disease is authorized to continue into state fiscal year 2025.

Behavioral Health and Developmental Disabilities Division

Substance Abuse and Mental Health Services Projects of Regional and National Significance	Fiscal Year 2023	$495,883	Federal
Demonstration Programs to Improve Community Mental Health Services			
	Fiscal Year 2023	$999,999	Federal

All remaining fiscal year 2023 federal budget amendment authority for substance abuse and mental health services projects of regional and national significance, for block grants for community mental health services, for substance abuse and mental health services projects of regional and national significance, for demonstration programs to improve community mental health services, and for block grants for prevention and treatment of substance abuse is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for block grants for prevention and treatment of substance abuse, for block grants for community mental health services, and for block grant excess is authorized to continue into federal fiscal year 2025.

Senior and Long-Term Care Division
Pandemic EBT Administrative Funding Grant
Fiscal Year 2023 $219,048 Federal

All remaining fiscal year 2023 federal budget amendment authority for the American Rescue Plan Act for congregate meals award, for the American Rescue Plan Act for supportive services award, for the American Rescue Plan Act for home-delivered meals award, for the American Rescue Plan Act for preventive health award, for the American Rescue Plan Act for family caregivers, for the American Rescue Plan Act for ombudsman program award, for the state health insurance assistance program, for expanding the public health workforce within the aging network for states, for adult protective services, for the pandemic EBT administrative funding grant, and for the medicare enrollment assistance program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for the long-term care ombudsman program is authorized to continue into federal fiscal year 2025.

Early Childhood and Family Support Division
Fiscal Year 2023 Sexual Risk Avoidance Education
Fiscal Year 2023 $159,264 Federal
Fiscal Year 2022 Sexual Risk Avoidance Education
Fiscal Year 2023 $3,323 Federal
Women, Infants, and Children Technology Grant
Fiscal Year 2023 $350,000 Federal
Women, Infants, and Children Shopping Experience Improvement Grant
Fiscal Year 2023 $750,000 Federal
Enhance Women, Infants, and Children Nutrition Access Project
Fiscal Year 2023 $350,000
Maternal and Child Health Federal Consolidation Programs
Fiscal Year 2023 $1,944,429 Federal
Maternal and Child Health Federal Consolidation Programs Carryover
Fiscal Year 2023 $95,345 Federal
Maternal, Infant, and Early Childhood Home-Visiting Grant
Fiscal Year 2023 $832,503 Federal
Preschool Development Grants Fiscal Year 2023 $8,000,000 Federal

All remaining fiscal year 2023 federal budget amendment authority for preschool development grants for the fiscal year 2022 sexual risk avoidance education and for the maternal and child health federal consolidation programs is authorized to continue into state fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for child nutrition program training and technical assistance, for the fiscal year 2023 sexual risk avoidance education, for the women, infants, and children technology grant, for the women, infants, and children shopping experience improvement grant, for enhancing the women, infants, and children nutrition access project, for child care block grants, and for the maternal, infant, and early childhood home-visiting grant program is authorized to continue into federal fiscal year 2024.

All remaining fiscal year 2023 federal budget amendment authority for child abuse prevention is authorized to continue into federal fiscal year 2025.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 708

[HB 8]

AN ACT APPROVING RENEWABLE RESOURCE PROJECTS AND AUTHORIZING LOANS; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR LOANS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; AUTHORIZING THE ISSUANCE OF COAL SEVERANCE TAX BONDS; CREATING STATE DEBT; PLACING CERTAIN CONDITIONS ON LOANS; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Authorization to provide loans. (1) The legislature finds that the renewable resource projects listed in this section meet the provisions of 17-5-702. The department of natural resources and conservation is authorized to make loans to the political subdivisions of state government and local governments listed in subsection (2) in amounts not to exceed the loan amounts listed for each project from the proceeds of the bonds authorized in [section 4].

(2) The interest rate for the projects in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
Greenfields Irrigation District	
Hydro Development	$1,500,000
East Fork	
Dam Rehabilitation	$16,900,000

Section 2. Projects not completing requirements -- projects reauthorized. (1) The legislature finds that the following renewable resource projects that were approved by the 67th legislature in Chapter 463, Laws of 2021, may not complete the requirements necessary to obtain the loan funds prior to June 30, 2022. The projects described in this section are reauthorized. The department of natural resources and conservation is authorized to make loans to political subdivisions of state government and local governments listed in subsections (2) through (4) in amounts not to exceed the loan amounts listed for each project from the proceeds of bonds authorized in [section 4].

(2) The interest rate for the project in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
Department of Natural Resources and Conservation—Conservation and Resource Development Division	
Refinance Existing Debt or Rehabilitation of Infrastructure Facilities	$8,000,000

(3) The interest rate for the projects in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
Central Montana Regional Water Authority	
Local Match for Central Montana Regional Water Authority	$5,000,000
Dry-Redwater Regional Water Authority	
Local Match for Dry-Redwater Regional Water Authority	$5,000,000
Dry Prairie Regional Water Authority	
Local Match for Dry Prairie Projects	$5,000,000
North Central Regional Water Authority	
Local Match for North Central Projects	$5,000,000

Lower Willow Creek Irrigation District	
Right Subdrain Repair Project	$200,000
Huntley Irrigation District Reauthorization	
Tunnel 2 and Canal System	$3,500,000
Lockwood Irrigation District	
Box Elder Siphon, Pump Station, and Pump 3	$1,550,000

(4) (a) The interest rate for the project in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
St. Mary's Diversion Project Local Share	$40,000,000

(b) The loan in this subsection (4) is contingent on the following:

(i) the federal government entering into an agreement with the state that designates the federal and state share of the total project cost;

(ii) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water users' associations, and other unassociated individuals and entities; and

(iii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan.

Section 3. Authorization to provide loan. (1) The interest rate for the project in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
St. Mary's Siphon Replacement Projects Local Share	$26,000,000

(2) The loan in this section is contingent on the following:

(a) the receipt of federal cost share that addresses the financial capability of the Milk River project contracting entities as cited in the Milk River project ability-to-pay study by the U.S. department of the interior, bureau of reclamation, dated September 2022, or the budget director adopting a repair plan from the water users' association formed in subsection (2)(b). The department of natural resources and conservation shall develop the required contents of the repair plan. The Milk River joint board of control shall submit its repair plan to the department of natural resources and conservation. If the budget director does not adopt the repair plan, the Milk River joint board of control may resubmit a revised repair plan to the department.

(b) the Milk River joint board of control demonstrating to the satisfaction of the department of natural resources and conservation its technical, managerial, and financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan.

Section 4. Coal severance tax bonds authorized. (1) The legislature finds that Title 17, chapter 5, part 7, provides for the issuance of coal severance tax bonds for financing specific approved renewable resource projects as part of the state renewable resource grant and loan program. Available funds from previous sales of coal severance tax bonds, plus any additional principal amount on bonds as may be necessary, pursuant to the conditions in 85-1-605, to fund emergency loans, as authorized and approved in accordance with 85-1-605(4), may also be used for the projects approved in [sections 1 through 8]. The board of examiners is authorized to issue coal severance tax bonds in an amount not to exceed $129,415,000 in the biennium beginning July 1, 2023, of which up to $11,765,000 is to be used to establish a reserve for the bonds. Proceeds of the bonds are appropriated to the department of natural resources and conservation for financing the projects identified in [sections 1 through 3]

and may be used as authorized in 85-1-605(4). Loans made under 85-1-605(4) must bear interest at the rate borne by the state bonds unless the legislature in a subsequent session provides for a lower interest rate, in which case the rate must be reduced to the rate specified by the legislature.

(2) In connection with the issuance of coal severance tax bonds, the board of examiners may pay the principal and interest on the bonds when due from the debt service account and in all other respects manage and use the funds within each special bond account for the benefit of the bonds. The board of examiners shall exercise its discretion to enhance the marketability of the bonds and to secure the most advantageous financial arrangements for the state.

(3) Earnings on the bond proceeds prior to the completion of any loan must be allocated to the debt service account to pay the debt service on the bonds during this period. Earnings in excess of debt service, if any, must be allocated to the natural resources projects state special revenue account established in 15-38-302.

(4) Loan repayments from loans financed with coal severance tax bonds are pledged, dedicated, and appropriated to the debt service account in the state treasury for the benefit of bonds approved for loans under this section.

Section 5. Conditions of loans. (1) Disbursement of funds under [sections 1 through 3] for loans is subject to the following conditions that must be met by project sponsors:

(a) approval of a scope of work and budget for the project by the department of natural resources and conservation. Reductions in a scope of work or budget may not affect priority activities or improvements.

(b) documented commitment of other funds required for project completion;

(c) satisfactory completion of conditions described in the recommendations section of the project narrative in the renewable resource grant and loan program project evaluations and recommendations report;

(d) execution of a loan agreement with the department of natural resources and conservation; and

(e) accomplishment of other specific requirements considered necessary by the department of natural resources and conservation to accomplish the purpose of the loan as evidenced from the application to the department or from the proposal to the legislature.

(2) Each sponsor authorized for a loan from coal severance tax bond proceeds may be required to pay to the department of natural resources and conservation a pro rata share of the bond issuance costs and the administrative costs incurred by the department to complete the loan transaction.

Section 6. Private and discount purchase of loans. Loans to political subdivisions and local government entities pursuant to [sections 1 through 3] and bonds, warrants, and notes issued in evidence of those loans may be made, purchased by, and sold to the department of natural resources and conservation at a discount and at a private negotiated sale, notwithstanding the provisions of any other law applicable to political subdivisions or local government entities.

Section 7. Appropriations established. For any entity of state government that receives a loan under [sections 1 through 3], an appropriation is established for the amount of the loan upon award of the loan by the department of natural resources and conservation for the biennium beginning July 1, 2023.

Section 8. Creation of state debt -- two-thirds vote required -- appropriation of coal severance tax -- three-fourths vote required -- bonding provisions. (1) Because [section 4] authorizes the creation of state

debt, Article VIII, section 8, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

(2) The legislature, through the enactment of [sections 1 through 8] by a vote of three-fourths of the members of each house of the legislature, as required by Article IX, section 5, of the Montana constitution, pledges, dedicates, and appropriates from the coal severance tax bond fund all money necessary for the payment of principal and interest not otherwise provided for on the coal severance tax bonds authorized by [section 4] to be issued pursuant to Title 17, chapter 5, part 7, and pursuant to the provisions of [sections 1 through 8] and the general resolution for this bond program that has been adopted by the board of examiners under the authority provided in Title 17, chapter 5, part 7.

Section 9. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 11. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 709

[HB 10]

AN ACT REVISING LAWS RELATED TO FINANCING INFORMATION TECHNOLOGY CAPITAL PROJECTS; APPROPRIATING MONEY FOR INFORMATION TECHNOLOGY CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING REPORTING REQUIREMENTS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE INFORMATION TECHNOLOGY PROGRAM ACCOUNT; PROVIDING FOR THE DEVELOPMENT AND ACQUISITION OF NEW INFORMATION TECHNOLOGY SYSTEMS FOR VARIOUS DEPARTMENTS AND THE MONTANA UNIVERSITY SYSTEM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. For the purposes of [this act], the following definitions apply:

(1) "Chief information officer" has the meaning provided in 2-17-506.

(2) "Information technology" has the meaning provided in 2-17-506.

(3) "Information technology capital project" means a group of interrelated information technology activities that are planned and executed in a structured sequence to create a unique product or service.

(4) "LRITP" means the long-range information technology program account in the capital projects fund type.

Section 2. Appropriations and authorizations. (1) All business application systems funded under this section must have a plan approved by the chief information officer for the design, definition, creation, storage, and security of the data associated with the application system. The security aspects of the plan must address but are not limited to authentication and granting of system privileges, safeguards against unauthorized access to or disclosure

of sensitive information, and, consistent with state records retention policies, plans for the removal of sensitive data from the system when it is no longer needed. It is the intent of this subsection that specific consideration be given to the potential sharing of data with other state agencies in the design, definition, creation, storage, and security of the data. This plan must be approved by the chief information officer and the budget director prior to releasing a request for proposal or similar procurement document.

(2) Funds may not be released for a project until the chief information officer and the budget director approve the plans described in subsection (1) and have reviewed and approved results from requests for proposals or similar procurement procedures and contract documents.

(3) The following money is appropriated to the department of administration to be used only for the indicated information technology capital projects:

Agency/Project	LRITP	State Special Revenue	Federal Special Revenue	Proprietary	Total
DEPARTMENT OF ADMINISTRATION - STATE INFORMATION TECHNOLOGY SERVICES					
Montana Cybersecurity Enhancement Project	19,362,397				19,362,397
E-Discovery/Public Information Request Software	1,800,000				1,800,000
DEPARTMENT OF AGRICULTURE					
Commodity Assessment System	350,000	20,000			370,000
SAFHER Federal System		166,667	3,333		200,000
Grant Management System		40,000	20,000		60,000
DEPARTMENT OF LIVESTOCK					
Animal Health System		450,000			450,000
Snowflake Integration		125,000			125,000
Google AI		425,000			425,000
PUBLIC SERVICE COMMISSION					
Software Modernization (REDDI)		1,496,436			1,496,436
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION					
Financial Management System	607,800	596,200			1,204,000
Fire Finance Processing System	500,000				500,000
Flathead Reservation Information Technology System	656,667				656,667
Trust Land Management System Customer Portal	2,000,000				2,000,000
DEPARTMENT OF CORRECTIONS					
Offender Management System	17,750,000				17,750,000
DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES					
Comprehensive Child Welfare Information System	12,537,881		12,537,881		25,075,762

Montana Child Support Enforcement Automated System			
4,412,940	6,304,200	20,803,860	31,521,000
Electronic Health Records & Billing – State Facilities			
25,000,000	2,321,690	285,614 2	7,607,304
Montana Healthcare Programs Modularity Project			
4,940,613		44,465,517	49,406,130
SNAP Employment & Training Enterprise Solution			
1,400,000		1,400,000	2,800,000
Electronic Benefits Transfer System Replacement			
1,250,000		1,250,000	2,500,000

Section 3. Judicial branch information technology capital projects appropriation. (1) (a) There is appropriated to the supreme court $782,500 from the LRITP for courtroom remote appearance video system in the judicial branch.

(b) There is appropriated to the supreme court $500,000 from the LRITP for courthouse security initiative in the judicial branch.

(2) Before encumbering any funds appropriated in subsection (1), the office of court administrator shall submit a project and security plan, as described in [section 2(1)], to the chief information officer. The chief information officer shall promptly review the plan and, if necessary, make timely recommendations to the office of court administrator regarding implementation of the plan.

(3) As part of the annual report to the law and justice interim committee and the house appropriations subcommittee required under 3-1-702, the office of court administrator shall include an update on the implementation of projects funded under this section.

Section 4. Department of justice information technology capital projects appropriation. (1) There is appropriated to the department of justice $45,215,100 from the LRITP for replacement of the MERLIN system in the department of justice.

(2) Before encumbering any funds appropriated in subsection (1), the department of justice shall submit a project and security plan to the chief information officer. The chief information officer shall promptly review the plan and, if necessary, make timely recommendations to the department of justice regarding implementation of the plan.

(3) The department of justice shall provide a quarterly update to the law and justice interim committee and the legislative finance committee on the implementation of projects funded under this section.

(4) (a) The department of justice shall submit a project implementation plan to the judicial branch, law enforcement, and justice budget committee and the long-range planning budget committee provided for in 5-12-501. This plan must include a project development and implementation timeline, milestones, and a detailed project budget.

(b) The department of justice shall present a quarterly update to the budget committees, including:

(i) overall project status;

(ii) project expenditures;

(iii) progress towards milestones identified in the implementation plan;

(iv) project risks and issues;

(v) project accomplishments; and

(vi) action items.

Section 5. Montana university system/university of Montana technology capital project appropriation. (1) There is appropriated $6,164,320 from the LRITP to the Montana university system/university of Montana for the cyberMontana cybersecurity initiative.

(2) Before encumbering any funds appropriated in subsection (1), the Montana university system/university of Montana shall submit a project and security plan to the chief information officer. The chief information officer shall promptly review the plan, and if necessary, make timely recommendations to the Montana university system/university of Montana regarding implementation of the plan.

(3) The Montana university system/university of Montana shall provide a quarterly update to the legislative finance committee on the implementation of projects funded under this section.

Section 6. Transfer of funds. The state treasurer shall transfer $145,230,218 from the general fund to the LRITP on an as-needed incremental basis no later than June 30, 2025.

Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 8. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 710

[HB 12]

AN ACT APPROPRIATING MONEY FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR HISTORIC PRESERVATION PROJECTS; AUTHORIZING GRANTS FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 22-3-1305 AND 22-3-1306, MCA; AMENDING SECTION 1(2), CHAPTER 467, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 22-3-1305, MCA, is amended to read:

"**22-3-1305. Historic preservation grant program -- proposals -- recommendations.** (1) There is a historic preservation grant program established within the department of commerce. ~~A~~ *Except as provided in subsection (6), a* person, association, or representative of a governing unit seeking a historic preservation grant under this section must submit a grant proposal to the department by March 1 of the year preceding the convening of a regular legislative session.

(2) The department shall review all proposals for historic preservation grants in consultation with the tourism advisory council and the state historical preservation office before they are submitted to the legislature.

(3) Consistent with the rules adopted in accordance with 22-3-1306, the department shall make recommendations to the legislature on each proposal submitted to the department.

(4) The department's recommendations to the legislature are advisory.

(5) The department shall present its recommendations to the appropriations committee of the legislature by the 15th day of a regular legislative session.

(6) The legislature may appropriate funds for a qualifying historic preservation grant in addition to those recommended by the department of commerce."

Section 2. Section 22-3-1306, MCA, is amended to read:

"**22-3-1306. Priorities for funding -- rulemaking.** (1) The department of commerce shall make recommendations for grants awarded under the historic preservation grant program to ~~public or private~~ *eligible* entities for the preservation of historic sites, historical societies, or history museums in the state.

(2) Projects funded under this section must provide that a significant portion of the facility be open to public access and use. Projects that confer only a private benefit are not eligible.

(3) The recommendations must be based on competitive criteria created by the department, as guided by the legislature. The criteria may include:

(a) the degree of economic stimulus or economic activity, including job creation and work creation for Montana contractors and service workers;

(b) the purpose of the project, including whether it provides features that establish or enhance security, climate control, or fire protection for museums or address infrastructure, maintenance, or building code issues;

(c) the timing of the project, including access to matching funds, if needed, and approval of permits so that work can be completed without delay;

(d) the historic or heritage value related to the state of Montana;

(e) the successful track record or experience of the organization directing the project; ~~and~~

(f) the expected ongoing economic benefit to the state as a result of the project completion*;*

(g) the degree of local contribution to the project; and

(h) the anticipated public benefit, including the extent the site or building will be open to the public and the degree of immediate facility use after project completion.

~~(2)~~*(4)* The department of commerce shall adopt rules necessary to implement the historic preservation grant program. In adopting rules, the department shall look to the rules adopted for the Montana coal endowment program, the cultural and aesthetic grant program, and other similar state programs. To the extent feasible, the department shall make the rules compatible with those other programs."

Section 3 Section 1(2), Chapter 467, Laws of 2021, is amended to strike the following projects and appropriations:

"4	The People's Center in Pablo Confederated Salish and Kootenai Tribes	$50,600"
"12	O'Fallon Historical Museum in Baker Fallon County	$298,657"
"16	Blaine County Museum in Chinook Blaine County Museum	$60,240"

Section 4. Appropriation. for Montana historic grant program. (1) There is appropriated to the department of commerce $11,368,044 for the biennium beginning July 1, 2023, from the historic preservation grant program account established in 22-3-1307 to finance projects authorized in subsection (2).

(2) The following projects and applicants are authorized for grants in ranked order:

Rank	Project/Applicant	Grant Amount
1	Harlowton Roundhouse Harlowton, City of	$400,000
2	Fort Peck Theatre Fort Peck Fine Arts Council	$500,000

3	Baker State Bank Building	
	Southeastern Montana Area Revitalization Team (SMART)	$160,000
4	Petroleum County Courthouse	
	Petroleum County	$498,720
5	Milligan Building	
	Bighorn Valley Health Center, Inc. dba One Health	$500,000
6	Ringling Church	
	The Ringling Commons, LLC	$141,773
7	National Museum of Forest Service History	
	National Museum of Forest Service History	$300,000
8	Historic Teslow Grain Elevator	
	Project49	$392,277
8	A.D. Whitcomb Garage	
	Buses of Yellowstone Preservation Trust, Inc.	$136,366
10	Havre Beneath the Streets	
	Havre Beneath the Streets	$359,672
11	Hockaday Museum of Art	
	Hockaday Museum of Art	$31,000
11	Historical Museum at Fort Missoula	
	Friends of the Historical Museum at Fort Missoula	$175,200
13	Shelby Town Hall	
	Shelby, City of	$5,600
14	Coggswell-Taylor House	
	Montana Heritage Commission – Coggswell/Taylor House	$141,250
15	Rocky Mountain Building	
	Community Health Care Center, Inc. dba Alluvion Health	$400,000
15	The History Museum	
	Cascade County Historical Society dba The History Museum	$340,000
15	Copper Village Museum and Arts Center	
	Copper Village Museum and Arts Center	$235,000
18	Historic Hotel Libby	
	Friends of Historic Hotel Libby	$173,659
18	Roosevelt Center	
	Red Lodge Area Community Foundation	$367,578
20	Kelly Block Building	
	75 Park Street LLC	$500,000
20	Montana Club	
	Original Montana Club Cooperative Association	$90,040
20	Charles Krug House	
	Sonja Maxwell	$116,000
23	Edwards & McLellan Block	
	SGS Properties, LLC	$221,590
25	Hickman House	
	Montana Heritage Commission – Hickman House	$161,201
25	Paris Gibson Square Museum of Art	
	Paris Gibson Square Museum of Art	$300,979
25	Billings Depot	
	Billings Depot, Inc.	$414,400
28	Babcock Theatre	
	Cine Billings dba Art House Cinema	$236,000
29	Wheeler Cabin	
	Glacier National Park Conservancy	$493,200

29	Blackfoot Spiritual &Heritage Center	
	Blackfeet Tribe	$500,000
30	Stillwater County Courthouse	
	Stillwater County	$500,000
30	Waite House	
	Yogo Mansion LLC	$270,000
33	Moss Mansion	
	Billings Preservation Society	$500,000
34	Ouellette Place	
	Homeword, Inc. (Ouellette Place)	$100,000
34	Acme Building	
	Homeword, Inc. (Acme Historic Hotel)	$100,000
36	Great Falls Civic Center	
	Great Falls, City of	$250,000
37	Miles City Convent Keepers Community Center	
	Miles City Convent Keepers	$119,688
38	Lenox Flats Building	
	Homeword, Inc. (Lenox Flats)	$100,000
38	Miles City Elks Lodge #537	
	Miles City Elks Lodge #537	$200,000
40	Daly Mansion	
	Daly Mansion Preservation Trust	$100,000
40	Garfield County Museum	
	Garfield County	$400,000
43	Deer Lodge City Hall	
	Deer Lodge, City of	$283,500
45	Joliet Town Hall and Courthouse	
	Joliet, Town of	$83,000
47	Miracle of America Museum	
	Miracle of America Museum	$70,351

(3) Funding for the projects in subsection (2) will be provided in the order of priority as long as there are sufficient funds available from the amount that was deposited into the historic preservation grant program account during the biennium beginning July 1, 2023. The funds in this subsection must be awarded for the projects and in amounts not to exceed the amounts set out in subsection (2) subject to the conditions set forth in [section 7]. However, any of the projects listed in subsection (2) that have not completed the conditions described in [section 7(1)] by September 1, 2024, must be reviewed by the next regular legislature to determine if the authorized grant should be withdrawn.

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant projects listed in subsection (2) for purposes of encumbering the funds in the historic preservation grant program account established in 22-3-1307 for the biennium beginning July 1, 2023, pursuant to 17-7-302. A grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 7] and on the availability of funds.

(5) The legislature, pursuant to 22-3-1305, authorizes the grants for the projects listed in subsection (2).

(6) (a) Except as provided in subsection (6)(b), a grant recipient shall enter into a definitive, binding contract with a qualified contractor to construct the project prior to September 30 of the even-numbered year preceding the next regularly scheduled legislative session. If the grant recipient fails to meet the deadline, any obligation to the grant recipient will cease, and the funds

will revert to the historic preservation grant program account established in 22-3-1307 for use in the next biennium.

(b) A grant recipient who fails to meet the contract deadline for either of the following reasons may request one 2-year extension, during which the project must be placed under contract or any obligation to the grant will cease:

(i) the project was damaged by fire or another form of casualty; or

(ii) the grant recipient failed to find a qualified contractor to construct the project and diligently pursued all reasonable avenues to find a qualified contractor.

(7) Grant recipients shall complete all of the conditions described in [section 7(1)] by September 30, 2026, or any obligation to the grant recipient will cease.

Section 5. Supplemental appropriations. In the event that the total cost of a project exceeds the amount of the grant and matching funds, the grant recipient is fully responsible for funding the cost overrun. A supplemental appropriation may not be granted to complete the project.

Section 6. Approval of grants -- completion of biennial appropriation. (1) The legislature, pursuant to 22-3-1305, authorizes grants for the projects identified in [section 4(2)].

(2) The authorization of these grants completes a biennial appropriation from the historic preservation grant program account established in 22-3-1307.

(3) Grants to entities from prior bienniums are reauthorized for completion of contract work.

Section 7. Condition of grants -- disbursement of funds. (1) The disbursement of grant funds for the projects specified in [section 4(2)] is subject to completion of the following conditions:

(a) The grant recipient shall document that other matching funds required for the completion of the project are firmly committed.

(b) The grant recipient must have a project management plan that is approved by the department of commerce.

(c) The grant recipient must be in compliance with the auditing and reporting requirements provided for in 2-7-503 and have established a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with auditing and reporting requirements provided for in 2 CFR 200.

(d) The grant recipient shall satisfactorily comply with any conditions described in the application (project) summaries section of the Montana historic preservation grant program 2025 biennium report to the 68th legislature.

(e) The grant recipient shall satisfy other specific requirements considered necessary by the department of commerce to accomplish the purpose of the project as evidenced by the application to the department.

(f) The grant recipient shall execute a grant agreement with the department of commerce.

(2) Recipients of Montana historic preservation grant program funds are subject to the requirements of the department of commerce as described in the most recent edition of the Montana Historic Preservation Grant Program Project Administration Manual adopted by the department through the administrative rulemaking process.

Section 8. Other powers and duties of the department of commerce. (1) The department of commerce must disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

(2) If actual project expenses are lower than the projected expense of the project, the department may, at its discretion, reduce the amount of grant funds provided to grant recipients in proportion to all other project funding sources.

Section 9. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 10. Effective date. [This act] is effective July 1, 2023.

Section 11. Termination. [Section 1] terminates June 30, 2025.

Approved May 22, 2023

CHAPTER NO. 711

[HB 16]

AN ACT GENERALLY REVISING PROCEDURES RELATED TO CHILD ABUSE AND NEGLECT PROCEEDINGS; PROVIDING FOR SHARING OF INFORMATION WITH THE OFFICE OF STATE PUBLIC DEFENDER; PROVIDING FOR PREHEARING CONFERENCES BEFORE EMERGENCY PROTECTIVE SERVICES HEARINGS; REMOVING THE EXCEPTION FOR USE OF PREHEARING CONFERENCES AND EMERGENCY PROTECTIVE SERVICES HEARINGS IN CASES SUBJECT TO THE INDIAN CHILD WELFARE ACT; CLARIFYING THAT A SUPPORT PERSON MAY BE PRESENT DURING AN EMERGENCY PROTECTIVE SERVICES HEARING; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 41-3-301, 41-3-306, 41-3-307, AND 41-3-427, MCA; AMENDING SECTION 8, CHAPTER 529, LAWS OF 2021; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-301, MCA, is amended to read:

"**41-3-301. (Temporary) Emergency protective service.** (1) *(a)* Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action.

(b) The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection *(1)(b)* must:

~~(a)~~*(i)* include the reason for removal;

~~(b)~~*(ii)* include information regarding the option for an emergency protective services hearing within 5 days under 41-3-306, the required show cause hearing within 20 days, and the purpose of the hearings;

~~(c)~~*(iii)* provide contact information for the child protection specialist, the child protection specialist's supervisor, and the office of state public defender; and

~~(d)~~*(iv)* advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

~~(i)~~*(A)* has the right to receive a copy of the affidavit as provided in subsection (6);

~~(ii)~~*(B)* has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show cause hearing, including providing statements to the judge;

~~(iii)~~*(C)* may have a support person present during any ~~in-person~~ meeting with the child protection specialist concerning emergency protective services*, including the emergency protective services hearing provided for in 41-3-306*; and

~~(iv)~~*(D)* may request that the child be placed in a kinship foster home as defined in 52-2-602.

(c) A copy of the notification required under subsection (1)(b) must be provided within 24 hours to the office of state public defender.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the *office of state public defender and, if possible, the* parents or guardian~~, if possible,~~ within 2 working days of the emergency removal. An abuse and neglect petition must be filed within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)

41-3-301. (Effective July 1, 2023) Emergency protective service. (1) *(a)* Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action.

(b) The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection *(1)(b)* must:

~~(a)~~*(i)* include the reason for removal;

~~(b)~~*(ii)* include information regarding the emergency protective services and show cause hearings and the purpose of the hearings; and

~~(c)~~*(iii)* advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person may have a support person present during any ~~in-person~~ meeting with the child protection specialist concerning emergency protective services*, including the emergency protective services hearing provided for in 41-3-306*.

(c) A copy of the notification required under subsection (1)(b) must be provided within 24 hours to the office of state public defender.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share

information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to *the office of state public defender and, if possible,* the parents or guardian~~, if possible,~~ within 2 working days of the emergency removal. An abuse and neglect petition must be filed in accordance with 41-3-422 within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing."

Section 2. Section 41-3-306, MCA, is amended to read:

"**41-3-306. (Temporary) Emergency protective services hearing on request ~~— exceptions~~ *exception*.** (1) (a) If requested by the parents, parent, guardian, or other person having physical or legal custody of a child removed from the home pursuant to 41-3-301, a district court shall hold an emergency protective services hearing within 5 business days of the child's removal to determine whether to continue the removal beyond 5 business days.

(b) The department shall provide notification of the option for the hearing as required under 41-3-301.

(c) A hearing is not required if the child is released prior to the time of the requested hearing.

(2) The hearing may be held in person, by videoconference, or, if no other means are available, by telephone.

(3) The child and the child's parents, parent, guardian, or other person having physical or legal custody of the child must be represented by counsel at the hearing.

(4) If the court determines that continued out-of-home placement is needed, the court shall:

(a) establish guidelines for visitation by the parents, parent, guardian, or other person having physical or legal custody of the child pending the show cause hearing; and

(b) review the availability of options for a kinship placement and make recommendations if appropriate.

(5) The court may direct the department to develop and implement a treatment plan before the show cause hearing if the parents, parent, guardian, or other person having physical or legal custody of the child stipulates to a condition subject to a treatment plan and agrees to immediately comply with the treatment plan if a plan is developed.

(6) If the court determines continued removal is not appropriate, the child must be immediately returned to the parents, parent, guardian, or other person having physical or legal custody of the child.

(7) This section does not apply~~:~~

~~(a)~~ in judicial districts that are holding voluntary prehearing conferences pursuant to 41-3-307~~; or~~

~~(b) to cases involving an Indian child who is subject to the Indian Child Welfare Act~~.

(8) The emergency protective services hearing is an emergency proceeding for the purposes of the Indian Child Welfare Act and is not subject to the notice requirements of that act. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)

41-3-306. (Effective July 1, 2023) Emergency protective services hearing -- exception. (1) (a) A district court shall hold a hearing within ~~5 business days~~ *5 business days* of a child's removal from the home pursuant to 41-3-301 to determine whether there is probable cause to continue the removal beyond 5 business days.

(b) The department shall provide notification of the hearing as required under 41-3-301.

(c) A hearing is not required if the child is released prior to the time of the required hearing.

(2) The hearing may be held in person, by videoconference, or, if no other means are available, by telephone.

(3) The child and the child's parents, parent, guardian, or other person having physical or legal custody of the child must be represented by counsel at the hearing.

(4) If the court determines that continued out-of-home placement is needed, the court shall:

(a) establish guidelines for visitation by the parents, parent, guardian, or other person having physical or legal custody of the child pending the show cause hearing; and

(b) review the availability of options for a kinship placement and make recommendations if appropriate.

(5) The court may direct the department to develop and implement a treatment plan before the show cause hearing if the parents, parent, guardian, or other person having physical or legal custody of the child stipulates to a condition subject to a treatment plan and agrees to immediately comply with the treatment plan if a plan is developed.

(6) If the court determines continued removal is not appropriate, the child must be immediately returned to the parents, parent, guardian, or other person having physical or legal custody of the child.

(7) ~~This section does not apply to cases involving an Indian child who is subject to~~ *The emergency protective services hearing is an emergency proceeding for the purposes of* the Indian Child Welfare Act *and is not subject to the notice requirements of that act*."

Section 3. Section 41-3-307, MCA, is amended to read:

"**41-3-307. ~~(Temporary) Voluntary~~ *Availability of* prehearing conferences ~~-- pilot project counties~~.** (1) The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within ~~5 days~~ *5 days* of the child's removal and before ~~a show cause hearing~~ *an emergency protective services hearing* held by the court ~~if the court is participating in a pilot project testing the effectiveness of prehearing conferences~~ *pursuant to 41-3-306*.

(2) A prehearing conference ~~may be held under this section only if it involves~~ *must include the following parties*:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child;

(b) the person's legal counsel;

(c) the county attorney's office; and

(d) a department social worker.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family.

~~(5) This section does not apply to cases involving an Indian child who is subject to the Indian Child Welfare Act.~~

~~(6) This section applies to a district court participating in the prehearing conference pilot project funded by the court improvement program on May 14, 2021, and to any district court in a rural county or multicounty district that chooses to hold conferences in accordance with this section on or after that date. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)~~"

Section 4. Section 41-3-427, MCA, is amended to read:

"**41-3-427. Petition for immediate protection and emergency protective services -- order -- service.** (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected. The affidavit of the department representative must contain information, if any, regarding statements made by the parents about the facts of the case.

(c) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(d) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.

(e) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person

having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any ~~in-person~~ meeting with a child protection specialist concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the child protection specialist.

(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:

(a) the right of entry by a peace officer or department worker;

(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;

(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;

(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;

(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;

(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;

(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and

(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(3) An order for removal of a child from the home must include a finding that continued residence of the child with the parent is contrary to the welfare of the child or that an out-of-home placement is in the best interests of the child.

(4) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.

(5) The petition must be served as provided in 41-3-422."

Section 5. Section 8, Chapter 529, Laws of 2021, is amended to read:

"**Section 8. Termination.** ~~[This act]~~ *Except for [section 2], [this act]* terminates June 30, 2023."

Section 6. Appropriation. (1) There is appropriated $450,000 from the general fund to the office of court administrator for the biennium beginning July 1, 2023, to pay for the costs of training and hiring facilitators for the prehearing conferences provided for in [section 3].

(2) There is appropriated $300,000 from the general fund to the office of state public defender for the biennium beginning July 1, 2023, to pay for the costs of providing legal representation to parents and guardians during the emergency protective services hearing provided for in [section 2] and the prehearing conferences provided for in [section 3].

Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 3 and 6] are effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 712

[HB 128]

AN ACT GENERALLY REVISING MARIJUANA LAWS; REVISING REPORTS TO THE LEGISLATURE; CLARIFYING PERMISSIVE ACTS AND EXCEPTIONS FOR REGISTERED CARDHOLDERS; CLARIFYING LIMITATIONS OF THE MONTANA MARIJUANA REGULATION AND TAXATION ACT; CLARIFYING PENALTIES; REVISING PENALTIES FOR SUSPENDED LICENSES; COMBINING SECTIONS ON LEGISLATIVE MONITORING; CLARIFYING LEGISLATIVE MONITORING DUTIES; REMOVING THE IDENTITY DISCLOSURE REQUIREMENT FOR LICENSEE COMPLAINTS; REMOVING OUTDATED DATES; REMOVING THE BACKGROUND CHECK REQUIREMENT FOR CERTAIN INDIVIDUALS; EXTENDING THE MORATORIUM FOR NEW MARIJUANA LICENSES; TRANSFERRING AUTHORITY OVER MARIJUANA TESTING LABORATORIES; CLARIFYING THE MINIMUM AGE TO ENTER A MARIJUANA BUSINESS; CLARIFYING LEGISLATIVE INTENT ON A CULTIVATOR'S ABILITY TO INCREASE TIERS; REVISING REQUIREMENTS FOR A COMBINED-USE LICENSE; REVISING REPORTING REQUIREMENTS FOR EMPLOYEE CONVICTIONS OR VIOLATIONS; COMBINING SECTIONS ON FRAUDULENT REPRESENTATION; CLARIFYING THE FORMULA FOR MUNICIPAL TAX REVENUE ALLOCATION; REMOVING CONFLICTING NOTICE REQUIREMENTS; EXTENDING RULEMAKING AUTHORITY; REVISING DEFINITIONS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 5-11-222, 15-64-101, 16-12-102, 16-12-104, 16-12-106, 16-12-108, 16-12-109, 16-12-110, 16-12-125, 16-12-129, 16-12-201, 16-12-202, 16-12-203, 16-12-206, 16-12-207, 16-12-208, 16-12-209, 16-12-210, 16-12-222, 16-12-223, 16-12-225, 16-12-226, 16-12-301, 16-12-302, 16-12-310, 16-12-311, 16-12-508, AND 20-1-220, MCA; REPEALING SECTIONS 16-12-524 AND 16-12-532, MCA; AND PROVIDING EFFECTIVE DATES.

WHEREAS, during the 2021-2022 interim, the Economic Affairs Interim Committee received testimony relating to the interpretation and implementation of the Montana Marijuana Regulation and Taxation Act; and

WHEREAS, specifically, the committee received testimony that section 16-12-223, MCA, allowed only qualifying marijuana cultivator licensees to increase production tiers at the licensee's renewals and not at the licensee's discretion; and

WHEREAS, the committee disagreed with this interpretation and provided its analysis; and

WHEREAS, the issue was resolved to the committee's satisfaction; and

WHEREAS, this bill amends section 16-12-223, MCA, to remove all existing doubt whether the Legislature intended to allow a qualifying marijuana cultivator licensee to increase production tiers at their discretion.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-11-222, MCA, is amended to read:

"**5-11-222. Reports to legislature.** (1) (a) Except as provided in ~~subsection~~ *subsections* (1)(b) and (6), a report to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or before September 1 of each year preceding the convening of a regular session of the legislature.

(b) If otherwise specified in law, a report may be required more or less frequently than the biennial requirement in subsection (1)(a).

(2) Reports to the legislature include:

(a) annual reports on the unified investment program for public funds and public retirement systems and state compensation insurance fund assets audits from the board of investments in accordance with Article VIII, section 13, of the Montana constitution;

(b) federal mandates requirements from the governor in accordance with 2-1-407;

(c) activities of the state records committee in accordance with 2-6-1108;

(d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;

(e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-410;

(f) progress on gender and racial balance from the governor in accordance with 2-15-108;

(g) a mental health report from the ombudsman in accordance with 2-15-210;

(h) policies related to children and families from the interagency coordinating council for state prevention in accordance with 2-15-225;

(i) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;

(j) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board in accordance with 2-15-3113;

(k) the allocation of space report from the department of administration required in accordance with 2-17-101;

(l) information technology activities in accordance with 2-17-512;

(m) state strategic information technology plan exceptions, if granted, from the department of administration in accordance with 2-17-515;

(n) the state strategic information technology plan and biennial report from the department of administration in accordance with 2-17-521 and 2-17-522;

(o) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-17-825 and 5-5-216;

(p) statistical and other data related to business transacted by the courts from the court administrator, if requested, in accordance with 3-1-702;

(q) the judicial standards commission report in accordance with 3-1-1126;

(r) an annual report on the actual cost of legislation that had a projected fiscal impact from the office of budget and program planning in accordance with 5-4-208;

(s) a link to annual state agency reports on grants awarded in the previous fiscal year established by the legislative finance committee in accordance with 5-12-208;

(t) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance with 5-12-302(4);

(u) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair the independence of the legislative audit division in accordance with 5-13-305;

(v) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with 5-13-311;

(w) school funding commission reports each fifth interim in accordance with 5-20-301;

(x) a report of political committee operations conducted on state-owned property, if required, from a political committee to the legislative services division in accordance with 13-37-404;

(y) a report concerning taxable value from the department of revenue in accordance with 15-1-205;

(z) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;

(aa) semiannual reports on the Montana heritage preservation and development account from the Montana heritage preservation and development commission in accordance with 15-65-121;

(bb) general marijuana regulation reports *and medical marijuana registry reports* from the department of revenue in accordance with 16-12-110;

~~(cc) medical marijuana registry reports from the department of revenue in accordance with 16-12-532(3);~~

~~(dd)~~*(cc)* annual reports on general fund and nongeneral fund encumbrances from the department of administration in accordance with 17-1-102;

~~(ee)~~*(dd)* loans or loan extensions authorized for two consecutive fiscal years from the department of administration and office of commissioner of higher education, including negative cash balances from the commissioner of higher education, in accordance with 17-2-107;

~~(ff)~~*(ee)* a report of local government entities that have balances contrary to limitations provided for in 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;

~~(gg)~~*(ff)* an annual report from the board of investments in accordance with 17-5-1650(2);

~~(hh)~~*(gg)* a report on retirement system trust investments and benefits from the board of investments in accordance with 17-6-230;

~~(ii)~~*(hh)* recommendations for reductions in spending and related analysis, if required, from the office of budget and program planning in accordance with 17-7-140;

~~(jj)~~*(ii)* a statewide facility inventory and condition assessment from the department of administration in accordance with 17-7-202;

~~(kk)~~*(jj)* actuary reports and investigations for public retirement systems from the public employees' retirement board in accordance with 19-2-405;

~~(ll)~~*(kk)* a work report from the public employees' retirement board in accordance with 19-2-407;

~~(mm)~~*(ll)* annual actuarial reports and evaluations from the teachers' retirement board in accordance with 19-20-201;

~~(nn)~~*(mm)* reports from the state director of K-12 career and vocational and technical education, as requested, in accordance with 20-7-308;

~~(oo)~~*(nn)* 5-year state plan for career and technical education reports from the board of regents in accordance with 20-7-330;

~~(pp)~~*(oo)* a gifted and talented students report from the office of public instruction in accordance with 20-7-904;

~~(qq)~~*(pp)* status changes for at-risk students from the office of public instruction in accordance with 20-9-328;

~~(rr)~~*(qq)* status changes for American Indian students from the office of public instruction in accordance with 20-9-330;

~~(ss)~~*(rr)* reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

~~(tt)~~*(ss)* proposals for funding community colleges from the board of regents in accordance with 20-15-309;

~~(uu)~~*(tt)* expenditures and activities of the Montana agricultural experiment station and extension service, as requested, in accordance with 20-25-236;

~~(vv)~~*(uu)* reports, if requested by the legislature, from the president of each of the units of the higher education system in accordance with 20-25-305;

~~(ww)~~*(vv)* reports, if prepared by a public postsecondary institution, regarding free expression activities on campus in accordance with 20-25-1506;

~~(xx)~~*(ww)* reports from the Montana historical society trustees in accordance with 22-3-107;

~~(yy)~~*(xx)* state lottery reports in accordance with 23-7-202;

~~(zz)~~*(yy)* a report from the division of banking and financial institutions, if required, from the department of administration in accordance with 32-11-306;

~~(aaa)~~*(zz)* state fund reports, if required, from the commissioner in accordance with 33-1-115;

~~(bbb)~~*(aaa)* reports from the department of labor and industry in accordance with 39-6-101;

~~(ccc)~~*(bbb)* victim unemployment benefits reports from the department of labor and industry in accordance with 39-51-2111;

~~(ddd)~~*(ccc)* state fund business reports in accordance with 39-71-2363;

~~(eee)~~*(ddd)* risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;

~~(fff)~~*(eee)* child custody reports from the office of the court administrator in accordance with 41-3-1004;

~~(ggg)~~*(fff)* reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the governor in accordance with 46-23-316;

~~(hhh)~~*(ggg)* annual statewide public defender reports from the office of state public defender in accordance with 47-1-125;

~~(iii)~~*(hhh)* a trauma care system report from the department of public health and human services in accordance with 50-6-402;

~~(jjj)~~*(iii)* an older Montanans trust fund report from the department of public health and human services in accordance with 52-3-115;

~~(kkk)~~*(jjj)* Montana criminal justice oversight council reports in accordance with 53-1-216;

~~(lll)~~*(kkk)* medicaid block grant reports from the department of public health and human services in accordance with 53-1-611;

~~(mmm)~~*(lll)* reports on the approval and implementation status of medicaid section 1115 waivers in accordance with 53-2-215;

~~(nnn)~~*(mmm)* provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

~~(ooo)~~*(nnn)* medicaid funding reports from the department of public health and human services in accordance with 53-6-110;

~~(ppp)~~*(ooo)* proposals regarding managed care for medicaid recipients, if required, from the department of public health and human services in accordance with 53-6-116;

~~(qqq)~~*(ppp)* suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

~~(rrr)~~*(qqq)* a compliance and inspection report from the department of corrections in accordance with 53-30-604;

~~(sss)~~*(rrr)* emergency medical services grants from the department of transportation in accordance with 61-2-109;

~~(ttt)~~*(sss)* annual financial reports on the environmental contingency account from the department of environmental quality in accordance with 75-1-1101;

~~(uuu)~~*(ttt)* the Flathead basin commission report in accordance with 75-7-304;

~~(vvv)~~*(uuu)* a report from the land board, if prepared, in accordance with 76-12-109;

~~(www)~~*(vvv)* an annual state trust land report from the land board in accordance with 77-1-223;

~~(xxx)~~*(www)* a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-713;

~~(yyy)~~*(xxx)* state water plans from the department of natural resources and conservation in accordance with 85-1-203;

~~(zzz)~~*(yyy)* reports on the allocation of renewable resources grants and loans for emergencies, if required, from the department of natural resources and conservation in accordance with 85-1-605;

~~(aaaa)~~*(zzz)* water storage projects from the governor's office in accordance with 85-1-704;

~~(bbbb)~~*(aaaa)* upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-338;

~~(cccc)~~*(bbbb)* upland game bird enhancement program reports in accordance with 87-1-250;

~~(dddd)~~*(cccc)* private land/public wildlife advisory committee reports in accordance with 87-1-269;

~~(eeee)~~*(dddd)* a future fisheries improvement program report from the department of fish, wildlife, and parks in accordance with 87-1-272;

~~(ffff)~~*(eeee)* license revenue recommendations from the department of fish, wildlife, and parks in accordance with 87-1-629;

~~(gggg)~~*(ffff)* land information data reports from the state library in accordance with 90-1-404;

~~(hhhh)~~*(gggg)* hydrocarbon and geology investigation reports from the bureau of mines and geology in accordance with 90-2-201;

~~(iiii)~~*(hhhh)* coal ash markets investigation reports from the department of commerce in accordance with 90-2-202;

~~(jjjj)~~*(iiii)* an annual report from the pacific northwest electric power and conservation planning council in accordance with 90-4-403;

~~(kkkk)~~*(jjjj)* community property-assessed capital enhancements program reports from the Montana facility finance authority in accordance with 90-4-1303;

~~(llll)~~*(kkkk)* veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-604;

~~(mmmm)~~*(llll)* matching infrastructure planning grant awards by the department of commerce in accordance with 90-6-703(3); and

~~(nnnn)~~*(mmmm)* treasure state endowment program reports from the department of commerce in accordance with 90-6-710;

(3) Reports to the legislature include reports made to an interim committee as follows:

(a) reports to the law and justice interim committee, including:

(i) findings of the domestic violence fatality review commission in accordance with 2-15-2017;

(ii) the report from the missing indigenous persons review commission in accordance with 2-15-2018;

(iii) reports from the department of justice and public safety officer standards and training council in accordance with 2-15-2029;

(iv) information on the Montana False Claims Act from the department of justice in accordance with 17-8-416;

(v) annual case status reports from the attorney general in accordance with 41-3-210;

(vi) office of court administrator reports in accordance with 41-5-2003;

(vii) statewide public safety communications system activities from the department of justice in accordance with 44-4-1606;

(viii) reports on the status of the crisis intervention team training program from the board of crime control in accordance with 44-7-110;

(ix) restorative justice grant program status and performance from the board of crime control in accordance with 44-7-302;

(x) reports on offenders under supervision with new offenses or violations from the department of corrections in accordance with 46-23-1016;

(xi) supervision responses grid reports from the department of corrections in accordance with 46-23-1028;

(xii) statewide public defender reports and information from the office of state public defender in accordance with 47-1-125;

(xiii) every 5 years, a percentage change in public defender funding report from the legislative fiscal analyst in accordance with 47-1-125;

(xiv) every 5 years, statewide public defender reports on the percentage change in funding from the office of state public defender in accordance with 47-1-125; and

(xv) a report from the quality assurance unit from the department of corrections in accordance with 53-1-211;

(b) reports to the state administration and veterans' affairs interim committee, including:

(i) a report that includes information technology activities and additional information from the information technology board in accordance with 2-17-512 and 2-17-513;

(ii) a report from the capitol complex advisory council in accordance with 2-17-804;

(iii) a report on the employee incentive award program from the department of administration in accordance with 2-18-1103;

(iv) a board of veterans' affairs report in accordance with 10-2-102;

(v) a report on grants to the Montana civil air patrol from the department of military affairs in accordance with 10-3-802;

(vi) annual reports on statewide election security from the secretary of state in accordance with 13-1-205;

(vii) a report regarding the youth voting program, if requested, from the secretary of state in accordance with 13-22-108;

(viii) a report from the commissioner of political practices in accordance with 13-37-120;

(ix) a report on retirement system trust investments from the board of investments in accordance with 17-6-230;

(x) actuarial valuations and other reports from the public employees' retirement board in accordance with 19-2-405 and 19-3-117;

(xi) actuarial valuations and other reports from the teachers' retirement board in accordance with 19-20-201 and 19-20-216;

(xii) a report on the reemployment of retired members of the teachers' retirement system from the teachers' retirement board in accordance with 19-20-732; and

(xiii) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the secretary of state in accordance with 30-9A-527;

(c) reports to the children, families, health, and human services interim committee, including:

(i) performance data from the department of public health and human services in accordance with 2-15-2225;

(ii) quarterly reports on data requirements from the department of public health and human services in accordance with 5-12-303;

(iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(iv) Montana HELP Act workforce development reports from the department of public health and human services in accordance with 39-12-103;

(v) annual reports from the child and family ombudsman in accordance with 41-3-1211;

(vi) reports on activities and recommendations on child protective services activities, if required, from the child and family ombudsman in accordance with 41-3-1215;

(vii) reports on the out-of-state placement of high-risk children with multiagency service needs from the department of public health and human services in accordance with 52-2-311;

(viii) private alternative adolescent residential and outdoor programs reports from the department of public health and human services in accordance with 52-2-803;

(ix) an annual Montana parents as scholars program report from the department of public health and human services in accordance with 53-4-209;

(x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(xi) a report concerning mental health managed care services, if managed care is in place, from the advisory council in accordance with 53-6-710;

(xii) quarterly medicaid reports related to expansion from the department of public health and human services in accordance with 53-6-1325;

(xiii) annual Montana developmental center reports from the department of public health and human services in accordance with 53-20-225; and

(xiv) annual children's mental health outcomes from the department of public health and human services in accordance with 53-21-508;

(xv) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(d) reports to the economic affairs interim committee, including:

(i) the annual state compensation insurance fund budget from the board of directors in accordance with 5-5-223 and 39-71-2363;

(ii) general marijuana regulation reports from the department of revenue in accordance with 16-12-110(3);

(iii) medical marijuana registry reports from the department of revenue in accordance with ~~16-12-532(3)~~ *16-12-110*;

(iv) annual reports on complaints against physicians certifying medical marijuana use from the board of medical examiners in accordance with ~~16-12-532(4)~~ *16-12-110(6)*;

(v) an annual report on the administrative rate required from the department of commerce from the Montana heritage preservation and development commission in accordance with 22-3-1002;

(vi) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;

(vii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-71-2375;

(viii) annual reinsurance reports from the Montana reinsurance association board required in accordance with 33-22-1308;

(ix) reports from the department of labor and industry concerning board attendance in accordance with 37-1-107;

(x) annual reports on physician complaints related to medical marijuana from the board of medical examiners in accordance with 37-3-203;

(xi) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(xii) status reports on the special revenue account and fees charged as a funding source from the board of funeral service in accordance with 37-19-204;

(xiii) unemployment insurance program integrity act reports from the department of labor and industry in accordance with 39-15-706;

(xiv) status reports on the distressed wood products industry revolving loan program from the department of commerce in accordance with 90-1-503;

(e) reports to the education interim committee, including:

(i) reemployment of retired teachers, specialists, and administrators reports from the retirement board in accordance with 19-20-732;

(ii) a report on participation in the interstate compact on educational opportunity for military children in accordance with 20-1-231;

(iii) grow your own grant program reports from the commissioner of higher education in accordance with 20-4-601;

(iv) standards of accreditation proposals and economic impact statements from the board of public education in accordance with 20-7-101;

(v) advanced opportunity program reports from the board of public education in accordance with 20-7-1506;

(vi) progress on transformational learning plans from the board of public education in accordance with 20-7-1602;

(vii) budget amendments, if needed, from school districts in accordance with 20-9-161;

(viii) annual Montana resident student financial aid program reports from the commissioner of higher education in accordance with 20-26-105;

(ix) a historic preservation office report from the historic preservation officer in accordance with 22-3-423; and

(x) interdisciplinary child information agreement reports from the office of public instruction in accordance with 52-2-211;

(f) reports to the energy and telecommunications interim committee, including:

(i) the high-performance building report from the department of administration in accordance with 17-7-214;

(ii) an annual report from the consumer counsel in accordance with 69-1-222;

(iii) annual universal system benefits reports from utilities, electric cooperatives, and the department of revenue in accordance with 69-8-402;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501; and

(v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-1301;

(g) reports to the revenue interim committee, including:

(i) use of the qualified endowment tax credit report from the department of revenue in accordance with 15-1-230;

(ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with 15-7-111;

(iii) gray water property tax abatement usage reports from the department of revenue in accordance with 15-24-3211;

(iv) information about job growth incentive tax credits from the department of revenue in accordance with 15-30-2361;

(v) student scholarship contributions from the department of revenue in accordance with 15-30-3112;

(vi) tax havens from the department of revenue in accordance with 15-31-322;

(vii) media production tax credit economic impact reports from the department of commerce in accordance with 15-31-1011; *and*

~~(viii) medical marijuana registry reports from the department of revenue in accordance with 16-12-532(5);~~

~~(ix) complaints against physicians certifying use of medical marijuana from the board of medical examiners in accordance with 16-12-532(5); and~~

~~(x)~~*(viii)* reports that actual or projected receipts will result in less revenue than estimated from the office of budget and program planning, if necessary, in accordance with 17-7-140;

(h) reports to the transportation interim committee, including:

(i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;

(ii) cooperative agreement negotiations from the department of transportation in accordance with 15-70-450;

(iii) an annual alternative project delivery contracting report from the department of transportation in accordance with 60-2-119; and

(iv) a special fuels inspection report from the department of transportation in accordance with 61-10-154;

(i) reports to the environmental quality council, including:

(i) compliance and enforcement reports required in accordance with 75-1-314;

(ii) the state solid waste management and resource recovery plan, every 5 years, from the department of environmental quality in accordance with 75-10-111;

(iii) annual orphan share reports from the department of environmental quality in accordance with 75-10-743;

(iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

(v) annual subdivision sanitation reports from the department of environmental quality in accordance with 76-4-116;

(vi) state trust land accessibility reports from the department of natural resources and conservation in accordance with 77-1-820;

(vii) biennial land banking reports and annual state land cabin and home site sales reports from the department of natural resources and conservation in accordance with 77-2-366;

(viii) biennially invasive species reports from the departments of fish, wildlife, and parks and natural resources and conservation in accordance with 80-7-1006;

(ix) annual upper Columbia conservation commission reports in accordance with 80-7-1026;

(x) annual invasive species council reports in accordance with 80-7-1203;

(xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;

(xii) annual sage grouse population reports from the department of fish, wildlife, and parks in accordance with 87-1-201;

(xiii) annual gray wolf management reports from the department of fish, wildlife, and parks in accordance with 87-1-901;

(xiv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in accordance with 87-2-702;

(xv) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in accordance with 87-5-807; and

(xvi) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;

(j) reports to the water policy interim committee, including:

(i) drought and water supply advisory committee reports in accordance with 2-15-3308;

(ii) total maximum daily load reports from the department of environmental quality in accordance with 75-5-703;

(iii) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501;

(v) renewable resource grant and loan program reports from the department of natural resources and conservation in accordance with 85-1-621;

(vi) quarterly adjudication reports from the department of natural resources and conservation and the water court in accordance with 85-2-281;

(vii) water reservation reports from the department of natural resources and conservation in accordance with 85-2-316;

(viii) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-436; and

(ix) ground water investigation program reports from the bureau of mines and geology in accordance with 85-2-525;

(k) reports to the local government interim committee, including:

(i) sand and gravel, if an investigation is completed, in accordance with 82-2-701;

(ii) assistance to local governments on federal land management proposals from the department of commerce in accordance with 90-1-182; and

(iii) emergency financial assistance to local government reports from the department of commerce, if requests are made, in accordance with 90-6-703(2);

(l) reports to the state-tribal relations committee, including:

(i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;

(ii) the Montana Indian language preservation program report from the state-tribal economic development commission in accordance with 20-9-537;

(iii) reports from the missing indigenous persons task force in accordance with 44-2-411

(iv) a decennial economic contributions and impacts of Indian reservations report from the department of commerce in accordance with 90-1-105;

(v) state-tribal economic development commission activities reports from the state-tribal economic development commission in accordance with 90-1-132; and

(vi) state-tribal economic development commission reports provided regularly by the state director of Indian affairs in accordance with 90-11-102.

(4) (a) Except as provided in subsections (4)(b) and (6) and unless otherwise required by law, a report made to the legislature in accordance with subsection (3) may be provided orally before September 1 of each year preceding the convening of a regular session of the legislature and in accordance with 5-11-210(1)(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Reports, transfers, statements, assessments, recommendations and changes required under 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, 33-1-115, and 39-71-2375 must be provided as soon as the report is published and publicly available. Reports required in subsections (2)(a), ~~(2)(gg)~~ *(2)(ff)*, ~~(2)(hh)~~ *(2)(gg)*, and (3)(b)(ix) must be provided following issuance of reports issued under Title 5, chapter 13."

Section 2. Section 15-64-101, MCA, is amended to read:

"**15-64-101. Definitions.** As used in this part, the following definitions apply:

(1) "Adult-use dispensary" has the meaning provided in 16-12-102.

(2) "Customer" means a person to whom a sale of marijuana or a marijuana product is made.

~~(2)~~*(3)* "Department" means the department of revenue provided for in 2-15-1301.

~~(3)~~*(4)* "Dispensary" means an adult-use dispensary or a medical marijuana dispensary.

~~(4)~~*(5)* "Licensee" means a licensee operating an adult-use dispensary or a medical marijuana dispensary.

~~(5)~~*(6)* "Marijuana" has the meaning provided in 16-12-102.

~~(6)~~*(7)* "Marijuana product" has the meaning provided in 16-12-102.

~~(7)~~*(8)* "Medical marijuana dispensary" has the meaning provided in 16-12-102.

~~(8)~~*(9)* "Person" means an individual, firm, partnership, corporation, association, company, committee, other group of persons, or other business entity, however formed.

~~(9) "Purchaser" means a person to whom a sale of marijuana or a marijuana product is made.~~

(10) "Retail price" means the established price for which an adult-use dispensary or medical marijuana dispensary sells marijuana or a marijuana product to a purchaser before any discount or reduction.

(11) "Sale" or "sell" means any transfer of marijuana or marijuana products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means."

Section 3. Section 16-12-102, MCA, is amended to read:

"**16-12-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

(2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

(4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.

(6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

(7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:

(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;

(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or

(iii) is otherwise in a position to control the marijuana business; or

(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.

(8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

(a) plant, cultivate, grow, harvest, and dry marijuana; and

(b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in 2-15-1301.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on ~~November 3, 2020~~ *November 3, 2020*.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

(i) a greenhouse;

(ii) a hoop house; or

(iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

(16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

(17) "Licensee" means a person holding a state license issued pursuant to this chapter.

(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.

(20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(c) The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.

(24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer ~~by a means other than smoking~~. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates*, including concentrates intended for use by smoking or vaping*.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

(26) "Mature marijuana plant" means a harvestable marijuana plant.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

(29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in 32-1-109;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to 16-12-503 that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

~~(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.~~

~~(40)~~*(39)* "Testing laboratory" means a qualified person, licensed under this chapter that:

(a) provides testing of representative samples of marijuana and marijuana products; and

(b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

~~(41)~~*(40)* (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.

(b) The term does not include the seeds, stalks, and roots of the plant. (Subsection (15)(b)(ii) terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.)"

Section 4. Section 16-12-104, MCA, is amended to read:

"**16-12-104. Department responsibilities -- licensure.** (1) The department shall establish and maintain a registry of persons who receive licenses under this chapter.

(2) (a) The department shall issue the following license types to persons who submit applications meeting the requirements of this chapter:

(i) cultivator license;

(ii) manufacturer license;

(iii) adult-use dispensary license or a medical marijuana dispensary license;

(iv) testing laboratory license.

(v) marijuana transporter license.

(vi) combined-use marijuana license.

(b) The department may establish other license types, subtypes, endorsements, and restrictions it considers necessary for the efficient administration of this chapter.

(3) A licensee may not cultivate hemp or engage in hemp manufacturing at a licensed premises.

(4) A person licensed to cultivate or manufacture marijuana or marijuana products is subject to the provisions contained in the Montana Pesticides Act provided for in Title 80, chapter 8.

(5) The department shall assess applications for licensure or renewal to determine if an applicant, controlling beneficial owner, or a person with a financial interest in the applicant meets any of the criteria established in this chapter for denial of a license.

(6) A license issued pursuant to this chapter must be displayed by the licensee as provided for in rule by the department.

(7) (a) The department shall review the information contained in an application or renewal submitted pursuant to this chapter and shall approve or deny an application:

(i) within 60 days of receiving the application or renewal and all related application materials from a former medical marijuana licensee or an existing licensee under this chapter; and

(ii) within 120 days of receiving the application and all related application materials from a new applicant.

(b) If the department fails to act on a completed application within the time allowed under subsection (7)(a), the department shall:

(i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(ii) allow a licensee to continue operation until the department takes final action.

(c) The department may not take final action on an application for a license or renewal of a license until the department has completed a satisfactory inspection as required by this chapter and related administrative rules.

(d) The department shall issue a license or endorsement within 5 days of approving an application or renewal.

(8) (a) Review of a rejection of an application or renewal may be conducted as a contested case hearing before the department's office of dispute resolution pursuant to the provisions of the Montana Administrative Procedure Act.

(b) A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection (8)(b) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.

(9) Licenses issued under this chapter must be renewed annually.

(10) (a) The department shall provide the names and phone numbers of persons*, including the names of controlling beneficial owners,* licensed under this chapter and the city, town, or county where licensed premises are located to the public on the department's website. Except as provided in subsection (10)(b), the department may not disclose the physical location or address of a marijuana business.

(b) The department may share the physical location or address of a marijuana business with another state agency, political subdivision, and the state fire marshal.

(c) The name of a controlling beneficial owner is not considered confidential information as defined in 2-6-1002.

(11) The department may not prohibit a cultivator, manufacturer, or adult-use dispensary licensee operating in compliance with the requirements of this chapter from operating at a shared location with a medical marijuana dispensary.

(12) The department may not adopt rules requiring a consumer to provide a licensee with identifying information other than government-issued identification to determine the consumer's age. A licensee that scans a person's driver's license using an electronic reader to determine the person's age:

(a) may only use data or metadata from the scan determine the person's age;

(b) may not transfer or sell that data or metadata to another party; and

(c) shall permanently delete any data or metadata from the scan within 180 days, unless otherwise provided for in this chapter or by the department.

(13) (a) Except as provided in subsection (13)(b), licenses issued by the department under this chapter are nontransferable.

(b) A licensee may sell its marijuana business, including live plants, inventory, and material assets, to a person who is licensed by the department under the provisions of this chapter. The department may, in its discretion, issue a temporary license to the acquiring party to facilitate the transfer of the licensee's marijuana business.

(14) A person who is not a controlling beneficial owner in a licensee may not receive or otherwise obtain an ownership interest in a licensee that results in the person becoming a controlling beneficial owner unless the licensee notifies,

in writing, the department of the proposed transaction and the department determines that the person qualifies for ownership under the provisions of this chapter."

Section 5. Section 16-12-106, MCA, is amended to read:

"**16-12-106. Personal use and cultivation of marijuana -- penalties.** (1) Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older *or a registered cardholder*:

(a) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

(b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older *or a registered cardholder*, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

(c) in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:

(i) marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;

(ii) not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;

(iii) a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and

(iv) no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;

(d) assisting another person who is at least 21 years of age *or a registered cardholder,* in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

(e) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.

(2) A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.

(3) A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding $50.

(5) For a person who is under 21 years of age and is not a registered cardholder, possession, use, delivery without consideration, or distribution without consideration of marijuana is punishable in accordance with 45-5-624.

(6) For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and 8 hours of drug education or counseling.

(7) Unless otherwise permitted under the provisions of Title 16, chapter 12, part 5, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

(a) for a first violation, the person's choice between a civil fine not exceeding $200 or completing up to 4 hours of community service in lieu of the fine;

(b) for a second violation, the person's choice between a civil fine not exceeding $300 or completing up to 6 hours of community service in lieu of the fine; and

(c) for a third or subsequent violation, the person's choice between a civil fine not exceeding $500 or completing up to 8 hours of community service in lieu of the fine.

(8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

(9) A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter."

Section 6. Section 16-12-108, MCA, is amended to read:

"**16-12-108. Limitations of act.** (1) This chapter does not permit:

(a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;

(b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(d) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age*, unless the person is a registered cardholder*;

(e) purchase, consumption, or use of marijuana or marijuana products by a person under 21 years of age*, unless the person is a registered cardholder*;

(f) possession or transport of marijuana or marijuana products by a person under 21 years of age unless the underage person is *a registered cardholder or is* at least 18 years of age and is an employee of a marijuana business licensed under this chapter and engaged in work activities;

(g) possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia:

(i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in 20-5-402;

(ii) in a school bus ~~or other form of public transportation~~;

(iii) in a health care facility as defined in 50-5-101; *or*

(iv) on the grounds of any correctional facility; ~~or~~

~~(v) in a hotel or motel room;~~

(h) using marijuana or marijuana products in a location where smoking tobacco is prohibited;

(i) smoking marijuana in a hotel or motel room, except for a hotel or motel room that is designated as a smoking room and rented to a guest;

~~(i)~~*(j)* consumption of marijuana or marijuana products*:*

(i) in a public place, except as allowed by the department; *or*

(ii) on trains, buses, or other forms of public transportation.

~~(j)~~*(k)* conduct that endangers others;

~~(k)~~*(l)* undertaking any task while under the influence of marijuana or marijuana products if doing so would constitute negligence or professional malpractice; or

~~(l)~~*(m)* performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

(2) (a) A violation of subsections (1)(g)(i) through (1)(g)(iii) and (1)(h) through (1)(j) is subject to the penalties provided for in 50-40-115.

(b) In addition to the penalties provided for in 50-40-115, a person in violation of subsection (1)(g)(iv) may be subject to administrative action by the department of corrections and the department of justice, and a violation of subsection (1)(g)(iv) may be subject to the penalties provided for in 45-7-307.

(c) A violation of subsection (1)(m) is subject to the penalties provided for in 45-9-110(3).

~~(2)~~*(3)* A person may not cultivate marijuana in a manner that is visible from the street or other public area.

~~(3)~~*(4)* A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

~~(4)~~*(5)* Nothing in this chapter may be construed to:

(a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;

(b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products;

(c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while working;

(d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(e) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

~~(5)~~*(6)* Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by

means other than smoking unless required by federal law or to obtain federal funding.

~~(6)~~*(7)* A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with 15-64-103 or 15-64-104.

~~(7)~~*(8)* Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders."

Section 7. Section 16-12-109, MCA, is amended to read:

"**16-12-109. Unlawful conduct by licensees -- penalties.** (1) If the department has reasonable cause to believe that a licensee has violated a provision of this chapter or a rule of the department, it may, in its discretion and in addition to any other penalties prescribed:

(a) reprimand a licensee;

(b) revoke the license of the licensee;

(c) suspend the license for a period of ~~not more than 3 months~~ *up to 1 year*;

(d) refuse to grant a renewal of the license after its expiration; or

(e) impose a civil penalty not to exceed $3,000.

(2) The department shall consider mitigating circumstances and may adjust penalties within penalty ranges based on its consideration of mitigating circumstances. Examples of mitigating circumstances are:

(a) compliance with the provisions of this chapter within the prior 3 years;

(b) the licensee has made good faith efforts to prevent a violation; or

(c) the licensee has cooperated in the investigation of the violation and the licensee or an employee or agent of the licensee accepts responsibility.

(3) The department shall consider aggravating circumstances and may adjust penalties within penalty ranges based on its consideration of aggravating circumstances. Examples of aggravating circumstances are:

(a) prior warnings about compliance problems;

(b) prior violations of the provisions of this chapter within the past 3 years;

(c) lack of written policies governing employee conduct;

(d) additional violations revealed during the course of the investigation;

(e) efforts to conceal a violation;

(f) intentional violations; or

(g) involvement of more than one patron or employee in a violation.

(4) For each licensing program regulated by the department under this chapter, the department is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding licensees and license applicants and regarding possible unlicensed practice.

(5) The department shall revoke and may not reissue a license or endorsement belonging to a person:

(a) whose controlling beneficial owner is an individual convicted of a felony drug offense;

(b) who allows another person not authorized or lawfully allowed to be in possession of the license;

(c) who transports marijuana or marijuana products outside of Montana, unless otherwise allowed by federal law;

(d) who operates a carbon dioxide or hydrocarbon extraction system without obtaining a manufacturing license;

(e) who purchases marijuana from an unauthorized source in violation of this chapter; or

(f) who sells, distributes, or transfers marijuana or marijuana products to a person the licensee knows or should know is under 21 years of age*, unless the person is a registered cardholder*.

(6) A licensee whose license is revoked may not reapply for licensure for 3 years from the date of the revocation.

(7) (a) Review of a department action imposing a fine, suspension, or revocation under this chapter must be conducted as a contested case hearing before the department's office of dispute resolution under the provisions of the Montana Administrative Procedure Act.

(b) A person may appeal any decision of the department concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection (7)(b) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision."

Section 8. Section 16-12-110, MCA, is amended to read:

"**16-12-110. Legislative monitoring.** (1) The economic affairs interim committee shall provide oversight of ~~the department's~~ activities pursuant to this chapter, including but not limited to monitoring of:

(a) the number of licensees;

(b) (i) the total square footage of canopy licensed in the state; and

(ii) the percentage of total canopy in production;

~~(b)~~*(c)* issues related to the cultivation, manufacture, sale, testing, and use of marijuana; ~~and~~

~~(c)~~*(d)* the development, implementation, and use of the seed-to-sale tracking system established in accordance with 16-12-105*;*

(e) the number of registered cardholders;

(f) the number and type of violations committed by registered cardholders, together with the penalties imposed on registered cardholders by the department; and

(g) laboratory testing procedures performed by the department in accordance with this chapter.

(2) The economic affairs interim committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.

(3) (a) The department shall periodically report to the economic affairs interim committee and submit a report to the legislative clearinghouse, as provided in 5-11-210, on persons who are licensed or registered pursuant to 16-12-203 *and 16-12-503*. The report must include:

(i) the number of cultivators, manufacturers, and dispensaries licensed pursuant to this chapter;

(ii) the number and type of violations committed by licensees;

(iii) the number of licenses revoked; ~~and~~

(iv) the amount of marijuana and marijuana products cultivated and sold pursuant to this chapter*;*

(v) the number of applications for registry identification cards and the number of registered cardholders approved;

(vi) the nature of the debilitating medical conditions of the registered cardholders;

(vii) the number of registry identification cards revoked; and

(viii) the number of physicians providing written certification for registered cardholders and the number of written certifications each physician has provided.

(b) The report may not provide ~~any identifying information of cultivators, manufacturers, and dispensaries except basic geographic or other statistical information~~ *any identifying information of registered cardholders or physicians*.

(4) The report on inspections required under 16-12-210 must include, at a minimum, the following information for both announced and unannounced inspections:

(a) the number of inspections conducted, by canopy licensure tier;

(b) the number of licensees that were inspected more than once during the year;

(c) the number of inspections that were conducted because of complaints made to the department; and

(d) the types of enforcement actions taken as a result of the inspections.

(5) The department shall furnish to the economic affairs interim committee, on request, a list containing the names of all controlling beneficial owners for each licensee.

(6) Pursuant to 37-3-203, the board of medical examiners shall report annually in accordance with 5-11-210 to the economic affairs interim committee on the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana."

Section 9. Section 16-12-125, MCA, is amended to read:

"**16-12-125. Hotline.** (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of this chapter.

(2) An individual making a complaint must be a resident and shall provide the individual's name, street address, and phone number.

(3) ~~(a)~~ The department shall provide a copy of the complaint to the person or licensee that is the subject of the complaint.

~~(b) The department may not redact the individual's name or city of residence from the complaint copy.~~

(4) The department may:

(a) investigate reports of suspected abuse of the provisions of this chapter; or

(b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring."

Section 10. Section 16-12-129, MCA, is amended to read:

"**16-12-129. Department to conduct background checks.** (1) In addition to any other requirement imposed under this chapter, before issuing any license under this chapter the department shall conduct:

(a) a fingerprint-based background check meeting the requirements for a fingerprint-based background check by the department of justice and the federal bureau of investigation in association with an application for initial licensure and every 5 years thereafter; and

(b) a name-based background check in association with an application for initial licensure and each year thereafter except years that an applicant is required to submit fingerprints for a fingerprint-based background check.

(2) For the purpose of the background records check required under subsection (1), the department shall obtain fingerprints from each individual listed on an application submitted under this chapter and each individual who has a controlling beneficial ownership or financial interest in the license or prospective license, including:

(a) each partner of an applicant that is a limited partnership;

(b) each member of an applicant that is a limited liability company;

(c) each director and officer of an applicant that is a corporation;

(d) each individual who holds a 5% financial interest in the license applicant or is a controlling beneficial owner of the person applying for the license; ~~and~~

(e) each individual who is a partner, member, director, or officer of a legal entity that holds a 5% financial interest in the license applicant or is a controlling beneficial owner of the person applying for the license*; and*

(f) a person designated by the applicant as responsible for operating the licensed establishment on behalf of the licensee.

~~(3) (a) Except as provided in subsection (3)(b), an employee of a marijuana business shall undergo a criminal background check prior to beginning employment.~~

~~(b) An employee of a former medical marijuana licensee in good standing with the department as of January 1, 2022, shall undergo a criminal background check within 90 days of January 1, 2022.~~

~~(4)~~*(3)* The department may establish procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under this section."

Section 11. Section 16-12-201, MCA, is amended to read:

"**16-12-201. Licensing of cultivators, manufacturers, and dispensaries.** (1) (a) Between January 1, 2022, and ~~June 30, 2023~~ *June 30, 2025*, the department may only accept applications from and issue licenses to former medical marijuana licensees that were licensed by or had an application pending with the department of public health and human services on ~~November 3, 2020~~ *November 3, 2020*, and are in good standing with the department and in compliance with this chapter, rules adopted by the department, and any applicable local regulations or ordinances as of January 1, 2022.

(b) The department shall begin accepting applications for and issuing licenses to cultivate, manufacture, or sell marijuana or marijuana products to applicants who are not former medical marijuana licensees under subsection (1)(a) on or after ~~July 1, 2023~~ *July 1, 2025*.

(2) (a) The department shall adopt rules to govern the operation of former medical marijuana licensees and facilitate the process of transitioning former medical marijuana licensees to the appropriate license under this chapter with a minimum of disruption to business operations.

(b) Beginning January 1, 2022, a former medical marijuana licensee may sell marijuana and marijuana products to registered cardholders at the medical tax rate set forth in 15-64-102 and to consumers at the adult-use marijuana tax rate set forth in 15-64-102 under the licensee's existing license in a jurisdiction that allows for the operation of marijuana businesses pursuant to 16-12-301 until the former medical marijuana licensee's next license renewal date, by which time the former medical licensee must have applied for and obtained the appropriate licensure under this chapter to continue operations, unless an extension of time is granted by the department.

(c) (i) Except as provided in subsection (2)(c)(ii), for the purpose of this subsection (2), "appropriate licensure" means a cultivator license, medical marijuana dispensary license, adult-use dispensary license, and, if applicable, a manufacturer license.

(ii) A former medical marijuana licensee who sells marijuana and marijuana products exclusively to registered cardholders is not required to obtain an adult-use dispensary license.

(3) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered

expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms may be prorated by the department."

Section 12. Section 16-12-202, MCA, is amended to read:

"**16-12-202. Testing laboratories -- licensing -- inspection ~~-- state laboratory responsibility~~.** (1) (a) A person who obtains a testing laboratory license or is an employee of a licensed testing laboratory is authorized to possess and test marijuana as allowed by this chapter.

(b) A person who is a controlling beneficial owner of a testing laboratory or holds a financial interest in a licensed testing laboratory may not be a controlling beneficial owner or have a financial interest in any entity involved in the cultivation, manufacture, or sale of marijuana or marijuana products for whom testing services are performed.

(2) (a) The ~~state laboratory~~ *department* shall endorse a testing laboratory to perform the testing required under 16-12-206 and 16-12-209 before a testing laboratory may apply for licensure or renewal with the department.

(b) (i) The ~~state laboratory~~ *department* shall inspect a testing laboratory before endorsing a testing laboratory for licensure or renewal and may not endorse a testing laboratory for licensure or renewal if the applicant does not meet the requirements of 16-12-206 and this section.

(ii) The ~~state laboratory~~ *department* may not issue a temporary license while an inspection is pending.

(3) An inspection conducted for licensure or renewal of a license must include a review of an applicant's or testing laboratory's:

(a) physical premises where testing will be conducted;

(b) instrumentation;

(c) protocols for sampling, handling, testing, reporting, security and storage, and waste disposal;

(d) raw data on tests conducted by the laboratory, if the inspection is for renewal of a license; and

(e) vehicles used for transporting marijuana or marijuana product samples for testing purposes.

(4) ~~Upon~~ *On* receiving an endorsement from the ~~state laboratory~~ *department* for licensure or annual renewal, a testing laboratory must apply for licensure or renewal with the department by submitting to the department:

(a) the information required by 16-12-203; and

(b) a fee that the department shall establish by rule.

(5) The ~~state laboratory~~ *department* shall:

(a) measure the tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid content of marijuana and marijuana products;

(b) test marijuana and marijuana products for pesticides, solvents, moisture levels, mold, mildew, and other contaminants; and

(c) establish and enforce standard operating procedures and testing standards for testing laboratories to ensure that consumers and registered cardholders receive consistent and uniform information about the potency and quality of the marijuana and marijuana products they receive. The ~~state laboratory~~ *department* shall:

(i) consult with independent national or international organizations that establish testing standards for marijuana and marijuana products;

(ii) require testing laboratories to follow uniform standards and protocols for the samples accepted for testing and the processes used for testing the samples; and

(iii) track and analyze the raw data for the results of testing conducted by testing laboratories to ensure that the testing laboratories are providing consistent and uniform results.

(6) The department may retain the services of the analytical laboratory provided by the department of agriculture pursuant to 80-1-104 for the testing contemplated in this section.

(7) If an analysis of raw testing data indicates that licensees are providing test results that vary among testing laboratories by an amount determined by the ~~state laboratory~~ *department* by rule, the department shall investigate the inconsistent results and determine within 60 days the steps the testing laboratories must take to ensure that each testing laboratory provides accurate and consistent results.

(8) If the analysis of raw testing data indicates a testing laboratory may be providing inconsistent results, the ~~state laboratory~~ *department* may suspend the testing laboratory's license. A suspension must be based on rules adopted by the ~~state laboratory~~ *department*.

(9) The department shall revoke a testing laboratory's license upon a determination that the laboratory is:

(a) providing test results that are fraudulent or misleading; or

(b) providing test results without having:

(i) the equipment needed to test marijuana, marijuana concentrates, or marijuana products; or

(ii) the equipment required under this chapter to conduct the tests for which the laboratory is providing results.

(10) ~~A revocation under this section is subject to judicial review~~*(a) Review of a rejection of an application or renewal may be conducted as a contested case hearing before the department's office of dispute resolution pursuant to the provisions of the Montana Administrative Procedure Act.*

(b) A person may appeal any decision of the department concerning the issuance, rejection, suspension, or revocation of a license provided for in this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection (10)(b) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision."

Section 13. Section 16-12-203, MCA, is amended to read:

"**16-12-203. Licensing types -- requirements -- limitations -- activities.** (1) (a) Subject to subsection (3) and this subsection (1), the department shall issue a license to or renew a license for a person who is applying to be a cultivator, manufacturer, medical marijuana dispensary, adult-use dispensary, or testing laboratory if the person submits to the department:

(i) the person's name, date of birth, and street address on a form prescribed by the department;

(ii) proof that the natural person having day-to-day operational control over the business is a Montana resident;

(iii) a statement, on a form prescribed by the department, that the person:

(A) will not divert to any other person the marijuana that the person cultivates or the marijuana products that the person manufactures for consumers or registered cardholders, unless the marijuana or marijuana

products are sold to another licensee ~~as part of a sale of a business~~ as allowed under this section *and by rules of the department*; and

(B) has no pending citations for violations occurring under this chapter or the marijuana laws of any other state or jurisdiction;

(iv) the street address of the location at which marijuana, marijuana concentrates, or marijuana products will be cultivated, manufactured, sold, or tested; and

(v) proof that the applicant has source of funding from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:

(A) is a person whose prior financial or other activities or criminal record:

(B) poses a threat to the public interest of the state;

(C) poses a threat to the effective regulation and control of marijuana and marijuana products; or

(D) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business.

(b) If the person to be licensed consists of more than one individual, the names of all owners must be submitted along with the fingerprints and date of birth of each owner having at least a 5% controlling beneficial ownership interest.

(c) Nonindividuals who apply for the issuance of a marijuana business license shall disclose to the department the following:

(i) a complete and accurate organizational chart of the marijuana business disclosing the identity and ownership percentages of its controlling beneficial owners;

(ii) whether the applicant has ever filed for bankruptcy;

(iii) whether the applicant has ever been a party to a lawsuit, either as a plaintiff or defendant;

(iv) any financial interests held by the applicant in another marijuana business in any state;

(v) if the controlling beneficial owner is a publicly traded corporation, the controlling beneficial owners' managers and any beneficial owners that directly or indirectly beneficially own 5% or more of the owner's interest in the controlling beneficial owner;

(vi) if the controlling beneficial owner is not a publicly traded corporation, the controlling beneficial owner's managers and any beneficial owners that directly or indirectly beneficially own 5% or more of the owner's interest in the controlling beneficial owner;

(vii) if the controlling beneficial owner is a natural person, the natural person's identifying information;

(viii) a person that is both a passive beneficial owner and a financial interest holder in the marijuana business; and

(ix) any financial interest holder that holds two or more financial interests in the marijuana business or that is contributing over 50% of the operating capital of the marijuana business.

(d) The department may request that the marijuana business disclose each beneficial owner and affiliate of an applicant or marijuana business or each controlling beneficial owner that is not a publicly traded corporation.

(e) An applicant or marijuana business that is not a publicly traded corporation shall affirm under penalty of perjury that it exercised reasonable care to confirm that its passive beneficial owners, financial interest holders, and qualified institutional investors are not persons prohibited pursuant to this section or otherwise restricted from holding an interest under this chapter. An applicant's or marijuana business's failure to exercise reasonable

care is a basis for denial, fine, suspension, revocation, or other sanction by the department.

(f) An applicant or marijuana business that is a publicly traded corporation shall affirm under penalty of perjury that it exercised reasonable care to confirm that its passive beneficial owners, financial interest holders, and qualified institutional investors are not persons prohibited pursuant to this section, or otherwise restricted from holding an interest under this chapter. An applicant's or marijuana business's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation, or other sanction by the department.

(g) This section does not restrict the department's ability to reasonably request information or records at renewal or as part of any other investigation following initial licensure of a marijuana business.

(h) The department shall furnish to the economic affairs interim committee, on request, a list containing the names of all controlling beneficial owners for each licensee.

(2) The department may not license a person under this chapter if the person or an owner, including a person with a financial interest:

(a) has a felony conviction or a conviction for a drug offense, including but not limited to, a conviction for a violation of any marijuana law in any other state within the past 5 years and, after an investigation, the department finds that the applicant has not been sufficiently rehabilitated as to warrant the public trust;

(b) is in the custody of or under the supervision of the department of corrections or a youth court;

(c) has been convicted of a violation under ~~16-12-524~~ *16-12-302* or of making a fraudulent representation under the former medical marijuana program administered by the department of public health and human services;

(d) is under 21 years of age;

(e) has failed to:

(i) pay any taxes, interest, penalties, or judgments due to a government agency;

(ii) comply with any provisions of Title 15 or Title 16, including the failure to file any tax return or report;

(iii) stay out of default on a government-issued student loan;

(iv) pay child support; or

(v) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency;

(f) has had a license issued under this chapter or a former medical marijuana license revoked within 3 years of the date of the application; or

(g) has resided in Montana for less than 1 year.

(3) Marijuana for use pursuant to this chapter must be cultivated and manufactured in Montana unless federal law otherwise allows for the interstate distribution of marijuana.

(4) Except as provided in 16-12-209, a cultivator, manufacturer, medical marijuana dispensary, or adult-use dispensary shall:

(a) prior to selling marijuana or marijuana products, submit samples to a testing laboratory pursuant to this chapter and administrative rules;

(b) allow the department to collect samples of marijuana or marijuana products during inspections of licensed premises for testing as provided by the department by rule; and

(c) participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to 16-12-105.

(5) (a) A person licensed under this section may cultivate marijuana and manufacture marijuana products for use by consumers or registered cardholders only at one of the following locations:

(i) a property that is owned by the licensee; or

(ii) with written permission of the property owner filed with the department when applying for or renewing a license, a property that is rented or leased by the licensee.

(b) No portion of the property used for cultivation of marijuana or manufacture of marijuana products or marijuana concentrate may be shared with or rented or leased to another licensee.

(c) Marijuana or marijuana products may not be consumed on the premises of any licensed premises.

(6) A cultivator licensed under this chapter in accordance with licensing requirements set forth in this chapter and rules adopted by the department:

(a) may operate adult-use dispensaries;

(b) may engage in manufacturing; and

(c) may not engage in outdoor cultivation of marijuana, except as provided in 16-12-223(6).

(7) A cultivator or manufacturer:

(a) may contract or otherwise arrange for another party that is licensed to process a cultivator's or manufacturer's marijuana into marijuana products and return the marijuana products to the cultivator or manufacturer for sale; and

(b) except as allowed pursuant to 16-12-207, may not open a dispensary before obtaining the required license and before the department has completed the inspection required under this chapter unless permitted to do so pursuant to 16-12-207."

Section 14. Section 16-12-206, MCA, is amended to read:

"**16-12-206. Testing laboratories -- licensing inspections.** (1) A testing laboratory may:

(a) measure the tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid content of marijuana and marijuana products; and

(b) test marijuana and marijuana products for pesticides, solvents, moisture levels, mold, mildew, and other contaminants. A testing laboratory may transport samples to be tested.

(2) A licensed testing laboratory shall employ a scientific director who is responsible for ensuring the achievement and maintenance of quality standards of practice. A scientific director must have the following minimum qualifications:

(a) a doctorate in chemical or biological sciences from a college or university accredited by a national or regional certifying authority and a minimum of 2 years of postdegree laboratory experience; or

(b) a master's degree in chemical or biological sciences from a college or university accredited by a national or regional certifying authority and a minimum of 4 years of postdegree laboratory experience.

(3) All owners and employees of a testing laboratory shall submit fingerprints to the department to facilitate a fingerprint and background check as set forth in 16-12-129. A testing laboratory may not be owned, operated, or staffed by a person who has been convicted of a felony offense.

(4) To qualify for licensure, a testing laboratory shall demonstrate that:

(a) staff members are proficient in operation of the laboratory equipment; and

(b) the laboratory:

(i) maintains the equipment and instrumentation required by rule;

(ii) has all equipment and instrumentation necessary to certify results that meet the quality assurance testing requirements established by rule, including the ability to certify results at the required level of sensitivity;

(iii) meets insurance and bonding requirements established by rule;

(iv) has the capacity and ability to serve rural areas of the state; and

(v) has passed a proficiency program approved by the ~~state laboratory~~ *department* that demonstrates it is able to meet all testing requirements.

(5) Except as provided in 16-12-209, a testing laboratory shall conduct tests of:

(a) samples of marijuana and marijuana products submitted by cultivators and manufacturers pursuant to 16-12-209 and related administrative rules prior to sale of the marijuana or marijuana products;

(b) samples of marijuana or marijuana products collected by the department during inspections of licensed premises; and

(c) samples submitted by consumers or registered cardholders."

Section 15. Section 16-12-207, MCA, is amended to read:

"**16-12-207. Licensing as privilege -- criteria.** (1) A cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed licensed premises, including but not limited to cultivation centers, dispensaries, and manufacturing facilities.

(2) The department may deny or revoke a license based on proof that the applicant made a false statement in any part of the original application or renewal application.

(3) (a) The department shall deny a cultivator license, manufacturer license, adult-use dispensary license, ~~or~~ medical marijuana license*, or testing laboratory license* if the applicant's proposed licensed premises:

(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department;

(ii) is not approved by local building, health, or fire officials as provided for in this chapter; or

(iii) is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school, unless the locality requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This subsection (3)(a)(iii) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street.

(b) For the purposes of this subsection (3), "school" and "postsecondary school" have the meanings provided in 20-5-402.

(4) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.

(5) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.

(6) A marijuana business may not utilize the United States postal service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.

(7) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.

(8) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.

(9) (a) Except as provided in subsection (9)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.

(b) Except as provided in subsection (9)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary ~~must~~ *shall* implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.

(c) The provisions of this subsection (9) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit or any state or local requirements relating to fire safety.

(10) Each marijuana business shall install a video monitoring system that must, at a minimum:

(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment; and

(b) be capable of being recorded as prescribed by the department.

(11) An adult-use dispensary or medical marijuana dispensary may not operate between the hours of 8 p.m. and 9 a.m. daily.

(12) A person under 21 years of age is not permitted inside a marijuana business unless the person is *an employee of the marijuana business or* a registered cardholder."

Section 16. Section 16-12-208, MCA, is amended to read:

"**16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

(2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location other than the licensed premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.

(3) A licensee shall make the licensed premises, books, and records available to the department for inspection and audit under 16-12-210 during normal business hours.

(4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

(5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.

(6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-resistant exit packaging that complies with federal child resistance standards and is designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.

(b) (i) Packaging of individual products may contain only the following design elements and language on a white label:

(A) the seller's business name and any accompanying logo or design mark;

(B) the name of the product; and

(C) the THC content or CBD content, health warning messages as provided in 16-12-215, and ingredients.

(ii) All packaging and outward labeling, including business logos and design marks, must also comply with any standards or criteria established by the department, including but not limited to allowable symbols and imagery.

(7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer hemp *flower, hemp plants,* or alcohol from a licensed premises.

(8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a package and a label application, in a form prescribed by the department, to receive approval from the department.

(b) The initial submission must be made electronically if required by the department. The licensee or license applicant shall submit a physical prototype upon request by the department.

(c) If a license applicant submits packages and labels for preapproval, final determination for packages and labels may not be made until the applicant has been issued a license.

(d) A packaging and label application must include:

(i) a fee provided for in rule by the department;

(ii) documentation that all exit packaging has been certified as child-resistant by a federally qualified third-party child-resistant package testing firm;

(iii) a picture or rendering of and description of the item to be placed in each package; and

(iv) for label applications for inhalable marijuana products that contain nonmarijuana additives:

(A) the nonmarijuana additive's list of ingredients; and

(B) in a form and manner prescribed by the department, information regarding the additive or additives and the manufacturer of the additive or additives.

(9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified receptacle into which marijuana or marijuana products already within a container are placed at the retail point of sale."

Section 17. Section 16-12-209, MCA, is amended to read:

"**16-12-209. Testing of marijuana and marijuana products.** (1) A cultivator, manufacturer, adult-use dispensary, or medical marijuana dispensary may not sell marijuana or marijuana products until the marijuana or marijuana products have been tested by a testing laboratory and meet the requirements of this section. The licensee shall pay for the testing.

(2) A licensee shall submit material that has been collected in accordance with a sampling protocol established by the ~~state laboratory~~ *department* by rule. The protocol must address the division of marijuana and marijuana products into batch sizes for testing.

(3) The ~~state laboratory~~ *department* shall adopt rules regarding the types of tests that must be performed to ensure product safety and consumer protection. Rules must include but are not limited to testing for:

(a) the potency of the cannabinoids present; and

(b) the presence of contaminants.

(4) The testing laboratory shall conduct a visual inspection of each batch to determine the presence of levels of foreign matter, debris, insects, and visible mold.

(5) The ~~state laboratory~~ *department* shall establish by rule the acceptable levels of moisture, pesticides, residual solvents, mold, mildew, foreign matter, debris, insects, and other contaminants that marijuana products may contain.

(6) The testing laboratory shall:

(a) issue a certificate of analysis certifying the test results; and

(b) report the results to the seed-to-sale tracking system established pursuant to 16-12-105.

(7) A licensee may request that material that has failed to pass the required tests be retested in accordance with the rules adopted by the ~~state laboratory~~ *department* providing for retesting parameters and requirements.

(8) Marijuana or a marijuana product must include a label indicating that the marijuana or marijuana product has been tested.

(9) (a) The department shall collect and, except as provided in subsection (9)(b), destroy samples of marijuana and marijuana products that fail to meet the acceptable levels to ensure product safety and consumer protection.

(b) If a sample fails due to THC levels in excess of the allowable limit and is not deficient in any other respect, the department may dispose of the sample by means other than destruction in accordance with rule.

(c) The department may contract for the duties under this subsection (9)."

Section 18. Section 16-12-210, MCA, is amended to read:

"**16-12-210. Inspections -- procedures -- prohibition on inspector affiliation with licensees.** (1) (a) The department shall conduct unannounced inspections of licensed premises.

(b) The department may not conduct more than two unannounced inspections of a licensed premises per year unless a citation has been issued to a licensee at the premises within the last 2 years or there is other just and reasonable cause.

(2) (a) The department shall inspect annually each premises operated by a licensee.

(b) The department may collect samples during the inspection of a licensed premises and submit the samples to a testing laboratory ~~or the state laboratory~~ *or the analytical laboratory authorized by 80-1-104* for testing as provided by the department by rule.

(3) (a) Each licensee shall keep a complete set of records necessary to show all transactions with consumers and registered cardholders. The records must be open for inspection by the department ~~or state laboratory, as appropriate,~~ and state or local law enforcement agencies.

(b) Each testing laboratory shall keep:

(i) a complete set of records necessary to show all transactions with a licensee; and

(ii) all data, including instrument raw data, pertaining to the testing of marijuana and marijuana products.

(c) The records and data required under this subsection (3) must be open for inspection by the department and state or local law enforcement agencies.

(d) The department may require a licensee to furnish information that the department considers necessary for the proper administration of this chapter.

(4) (a) Each licensed premises, including any places of storage, where marijuana is cultivated, manufactured, sold, stored, or tested are subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation.

(b) If any part of a licensed premises consists of a locked area, the licensee shall make the area available for inspection immediately upon request of the department or state or local law enforcement officials.

(5) The department may not hire or contract with a person to be an inspector if the person, during the previous 4 years, was or worked for a Montana business or facility operating under this chapter or a former medical marijuana licensee.

(6) In addition to any other penalties provided under this chapter, the department may revoke, suspend for up to 1 year, or refuse to renew a license or endorsement issued under this chapter if, upon inspection and subsequent notice to the licensee, the department finds that any of the following circumstances exist:

(a) a cause for which issuance of the license or endorsement could have been rejected had it been known to the department at the time of issuance;

(b) a violation of an administrative rule adopted to carry out the provisions of this chapter; or

(c) noncompliance with any provision of this chapter.

(7) The department may suspend or modify a license or endorsement without advance notice upon a finding that presents an immediate threat to the health, safety, or welfare of consumers, employees of the licensee, or members of the public. The department may establish by rule the applicable procedures for securing or disposing of the inventory in such circumstances.

(8) (a) Review of a department action imposing a suspension, revocation, or other modification under this chapter must be conducted as a contested case hearing before the department's office of dispute resolution under the provisions of the Montana Administrative Procedure Act.

(b) A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection (8)(b) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.

(9) The department shall establish a training protocol to ensure uniform application and enforcement of the requirements of this chapter.

(10) The department shall report biennially to the economic affairs interim committee concerning the results of inspections conducted under this section. The report must include the information required under 16-12-110."

Section 19. Section 16-12-222, MCA, is amended to read:

"**16-12-222. Licensing of marijuana transporters.** (1) (a) A marijuana transporter license may be issued to a person to provide logistics, distribution, delivery, and storage of marijuana and marijuana products. A marijuana transporter license is valid for 2 years. A licensed marijuana transporter is responsible for the marijuana and marijuana products ~~once~~ *after* it takes control of the marijuana or marijuana product.

(b) A marijuana transporter may contract with multiple licensed marijuana businesses.

(c) ~~On or after March 1, 2022, and except~~ *Except* as otherwise provided in this section, all persons who transport marijuana or marijuana products ~~shall~~ *must* hold a valid marijuana transporter license. ~~The department shall begin~~

~~accepting applications on or after January 1, 2022. The department may allow for a reasonable grace period for complying with this requirement.~~

(d) The department shall establish by rule the requirements for licensure and the applicable fee for a marijuana transporter license or the renewal of a transporter license. The department may not license a person to be a marijuana transporter if the applicant meets any of the criteria established for denial of a license under 16-12-203(2).

(2) A person who is not licensed under this chapter ~~must~~ *shall* apply for and obtain a marijuana transporter license in order to transport marijuana or marijuana products.

(3) A registered cardholder or consumer is not required to possess a marijuana transporter license when purchasing marijuana or marijuana products at a dispensary.

(4) A person who obtains a cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, or testing laboratory license or is an employee of one of those licensees, may:

(a) transport marijuana or marijuana products between other licensed premises without a transporter license so long as the transportation:

(i) complies with rules implementing the seed-to-sale tracking system set forth in 16-12-105; and

(ii) includes a printed manifest containing information as required by the department; and

(b) deliver marijuana from a dispensary to a registered cardholder provided that the person delivering the marijuana or marijuana products:

(i) complies with rules adopted by the department; and

(ii) includes a printed delivery manifest from a dispensary to a registered cardholder containing the registered cardholder's address and cardholder number and the dispensary's address and license number.

(5) (a) A marijuana transporter licensee may maintain a licensed premises to temporarily store marijuana and marijuana products and to use as a centralized distribution point in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(b) The licensed premises must be located in a jurisdiction that permits the operation of a marijuana business and comply with rules adopted by the department.

(c) A marijuana transporter may store and distribute marijuana and marijuana products from this location. A storage facility must meet the same security requirements that are required to obtain a license under this chapter.

(6) A marijuana transporter shall use the seed-to-sale tracking system developed pursuant to 16-12-105 to create shipping manifests documenting the transport of retail marijuana and retail marijuana products throughout the state.

(7) A marijuana transporter may deliver marijuana or marijuana products to licensed premises or registered cardholders only and may not make deliveries of marijuana or marijuana products to individual consumers.

(8) A person delivering marijuana or marijuana products for a marijuana transporter must possess a valid marijuana worker permit provided for under 16-12-226 and be a current employee of the marijuana transporter licensee."

Section 20. Section 16-12-223, MCA, is amended to read:

"**16-12-223. Licensing of cultivators.** (1) (a) The department shall license cultivators according to a tiered canopy system. Except as provided

in subsection (6), all cultivation that is licensed under this chapter may only occur at an indoor cultivation facility.

(b) Except as provided in subsection (6), the system ~~shall~~ *must* include, at a minimum, the following license types:

(i) A micro tier canopy license allows for a canopy of up to 250 square feet at one indoor cultivation facility.

(ii) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one indoor cultivation facility.

(iii) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two indoor cultivation facilities.

(iv) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three indoor cultivation facilities.

(v) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four indoor cultivation facilities.

(vi) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five indoor cultivation facilities.

(vii) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five indoor cultivation facilities.

(viii) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five indoor cultivation facilities.

(ix) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five indoor cultivation facilities.

(x) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six indoor cultivation facilities.

(xi) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to seven indoor cultivation facilities.

(xii) A tier 11 canopy license allows for a canopy of up to 40,000 square feet at up to eight indoor cultivation facilities.

(xiii) A tier 12 canopy license allows for a canopy of up to 50,000 square feet at up to nine indoor cultivation facilities.

(c) A cultivator shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied for the jurisdiction where each proposed indoor cultivation facility or facilities is or will be located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(d) When evaluating an initial or renewal license application, the department shall evaluate each proposed indoor cultivation facility for compliance with the provisions of 16-12-207 and 16-12-210.

(e) (i) Except as provided in subsection (1)(e)(iii), a cultivator who has reached capacity under the existing license may apply to advance to the next licensing tier in conjunction with a regular renewal application by demonstrating that:

(A) the cultivator is using the full amount of canopy currently authorized;

(B) the tracking system shows the cultivator is selling at least 80% of the marijuana produced by the square footage of the cultivator's existing license over the 2 previous quarters or the cultivator can otherwise demonstrate to the department that there is a market for the marijuana it seeks to produce; and

(C) its proposed additional or expanded indoor cultivation facility or facilities are located in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or that they are located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(ii) Except as provided in subsection (1)(e)(iii), the department may increase a licensure level by only one tier at a time.

(iii) Between January 1, 2022, and ~~June 30, 2023~~ *June 30, 2025*, a cultivator may*, at any time,* increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsections (1)(e)(i)(A) and (1)(e)(i)(B).

(iv) The department shall conduct an inspection of the cultivator's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(f) A marijuana business that has not been issued a license before ~~July 1, 2023~~ *July 1, 2025*, must be initially licensed at a tier 2 canopy license or lower.

(2) The department is authorized to create additional tiers as necessary.

(3) The department may adopt rules:

(a) for inspection of proposed indoor cultivation facilities under subsection (1);

(b) for investigating owners or applicants for a determination of financial interest; and

(c) in consultation with the department of agriculture and based on well-supported science, to require licensees to adopt practices consistent with the prevention, introduction, and spread of insects, diseases, and other plant pests into Montana.

(4) Initial licensure and annual fees for these licensees are:

(a) $1,000 for a cultivator with a micro tier canopy license;

(b) $2,500 for a cultivator with a tier 1 canopy license;

(c) $5,000 for a cultivator with a tier 2 canopy license;

(d) $7,500 for a cultivator with a tier 3 canopy license;

(e) $10,000 for a cultivator with a tier 4 canopy license;

(f) $13,000 for a cultivator with a tier 5 canopy license;

(g) $15,000 for a cultivator with a tier 6 canopy license;

(h) $17,500 for a cultivator with a tier 7 canopy license;

(i) $20,000 for a cultivator with a tier 8 canopy license;

(j) $23,000 for a cultivator with a tier 9 canopy license;

(k) $27,000 for a cultivator with a tier 10 canopy license;

(l) $32,000 for a cultivator with a tier 11 canopy license; and

(m) $37,000 for a cultivator with a tier 12 canopy license.

(5) The fee required under this part may be imposed based only on the tier of licensure and may not be applied separately to each indoor cultivation facility used for cultivation under the licensure level.

(6) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation."

Section 21. Section 16-12-225, MCA, is amended to read:

"**16-12-225. Combined-use marijuana licensing -- requirements.** (1) The department may issue a total of eight combined-use marijuana licenses to entities that are:

(a) a federally recognized tribe located in the state; or

(b) a business entity that is majority-owned by a federally recognized tribe located in the state.

(2) A combined-use marijuana license consists of one ~~tier 1~~ canopy license and one dispensary license allowing for the operation of a dispensary. ~~Cultivation and dispensary facilities must be located at the same licensed premises.~~

(3) A combined-use marijuana licensee shall operate its cultivation and dispensary facilities on land that is located~~:~~

~~(a) within 150 air-miles of the exterior boundary of the associated tribal reservation or, for the Little Shell Chippewa tribe only, within 150 air-miles of the tribal service area; and~~

~~(b)~~ in a county that has satisfied the local government approval provisions in 16-12-301 if the majority of voters in the county voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(4) An applicant under this section must satisfy all licensing requirements under this chapter and is subject to all fees and taxes associated with the cultivation and sale of marijuana or marijuana products provided for in this chapter.

(5) A license granted under this section must be operated in compliance with all requirements imposed under this chapter.

(6) After a tribe or a majority-owned business of that tribe is licensed under this section, that tribe or another majority-owned business of that tribe may not obtain another combined-use license until the prior license is relinquished, lapses, or is revoked by the department."

Section 22. Section 16-12-226, MCA, is amended to read:

"**16-12-226. Marijuana worker permit -- requirements.** (1) A marijuana worker permit is required for an employee who performs work for or on behalf of a marijuana business if the individual participates in any aspect of the marijuana business.

(2) ~~(a) Except as provided in subsection (2)(b), a~~ *A* marijuana business may not allow an employee to perform any work at the licensed premises until it has verified that the employee has obtained a valid marijuana worker permit issued in accordance with this chapter.

~~(b) An employee of a former medical marijuana licensee in good standing with the department as of January 1, 2022, shall obtain a marijuana worker permit within 90 days of January 1, 2022.~~

(3) An applicant for a marijuana worker permit shall submit:

(a) an application on a form prescribed by the department with information including the applicant's:

(i) name;

(ii) mailing address;

(iii) date of birth;

(iv) signature; and

(v) response to conviction history questions requested by the department;

(b) a copy of a driver's license or identification card issued by one of the fifty states in the United States or a passport;

(c) annual proof of having passed training that includes identification, prevention, and reporting for human trafficking, rules and regulations for legal sales of marijuana in Montana, and any other training required by the department; and

(d) a fee established by the department.

(4) (a) Except as provided in subsection (4)(b), an application that does not contain the elements set forth in subsection (3) is incomplete.

(b) The department may review an application prior to receiving the fee but may not issue a permit until the fee is received.

(5) The department shall deny an initial or renewal application if the applicant:

(a) is not 18 years of age or older;

(b) has had a marijuana license or worker permit revoked for a violation of this chapter or any rule adopted under this chapter within 2 years of the date of the application;

(c) has violated any provision of this chapter; or

(d) makes a false statement to the department.

(6) An employee of a licensee shall carry the employee's worker permit at all times when performing work on behalf of a marijuana business.

(7) A person who holds a marijuana worker permit ~~must~~ *shall* notify the ~~department~~ *person's employer* in writing within 10 days of:

(a) a conviction for a felony;

(b) the issuance of any citation for violating a marijuana law imposed under this chapter or the marijuana laws of any other state; or

(c) the issuance of any citation for selling or dispensing alcohol or tobacco products to a minor."

Section 23. Section 16-12-301, MCA, is amended to read:

"**16-12-301. Local government authority to regulate -- opt-in requirement in certain counties -- exemption for existing licensees.** (1) (a) Except as provided in subsection (1)(b), a marijuana business may not operate in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election until:

(i) the category or categories of license that the marijuana business seeks has or have been approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection (3) or (4); and

(ii) the business is licensed by the department pursuant to this chapter.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary may operate in its existing premises in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6).

(c) A former medical marijuana licensee that intends to apply for licensure as a cultivator, manufacturer, adult-use dispensary, or testing laboratory may operate in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6), provided that the former marijuana licensee has remained in good standing with ~~the department of public health and human services and~~ the department.

(d) For the purpose of this section, the marijuana business categories that must be approved by a local jurisdiction under subsections (3) through (6) in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election before a business may operate are:

(i) cultivator;

(ii) manufacturer;

(iii) medical marijuana dispensary, except as provided in subsection (1)(b);

(iv) adult-use dispensary;

(v) combined-use marijuana licensee;

(vi) testing laboratory; and

(vii) marijuana transporter facility.

(e) Marijuana businesses located in counties in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election are not subject to the local government approval process under subsections (3) through (6).

(2) (a) To protect the public health, safety, or welfare, a local government may by ordinance or otherwise regulate a marijuana business that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of licensed premises, including but not limited to indoor cultivation facilities, dispensaries, manufacturing facilities, and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary is exempt from complying with any local governmental regulations that are adopted under this subsection after July 1, 2021, until its first license renewal date occurring after January 1, 2022, or the expiration of any grace period granted by the locality, whichever is later.

(3) An election regarding whether to approve any or all of the marijuana business categories listed in subsection (1)(d) to be located within a local jurisdiction may be requested by filing a petition in accordance with 7-5-131 through 7-5-135 and 7-5-137 by:

(a) the qualified electors of a county; or

(b) the qualified electors of a municipality.

(4) (a) An election held pursuant to this section must be called, conducted, counted, and canvassed in accordance with Title 13, chapter 1, part 4.

(b) An election pursuant to this section may be held in conjunction with a regular election of the governing body, general election, or a regular local or special election.

(5) If the qualified electors of a county vote to approve a type of marijuana business to be located in the jurisdiction, the governing body shall enter the approval into the records of the local government and notify the department of the election results.

(6) (a) If an election is held pursuant to this section in a county that contains within its limits a municipality of more than 5,000 persons according to the most recent federal decennial census:

(i) it is not necessary for the registered qualified electors in the municipality to file a separate petition asking for a separate or different vote on the question of whether to prohibit a category of marijuana business from being located in the municipality; and

(ii) the county shall conduct the election in a manner that separates the votes in the municipality from those in the remaining parts of the county.

(b) If a majority of the qualified electors in the county, including the qualified electors in the municipality, vote to approve a category of marijuana business to be located in the county, the county may allow that category of marijuana business to operate in the county.

(c) (i) If a majority of the qualified electors in the municipality vote to approve a category of marijuana business to be located in the municipality, the municipality may allow that type of marijuana business to operate in the municipality.

(ii) If a majority of the qualified electors in the municipality vote to prohibit a category of marijuana business from being located in the municipality, the municipality may not allow that type of marijuana business to operate in the municipality.

(d) Nothing contained in this subsection (6) prevents any municipality from having a separate election under the terms of this section.

(7) (a) A county or municipality that has voted to approve a category of marijuana business to be located in the jurisdiction or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election may vote to prohibit the previously approved or allowed operations within the jurisdiction.

(b) A vote overturning the approval of a category of marijuana business or prohibiting the previously permitted operation of marijuana businesses is effective on the 90th day after the local election is held.

(8) A local government may not prohibit the transportation of marijuana within or through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this chapter."

Section 24. Section 16-12-302, MCA, is amended to read:

"**16-12-302. Fraudulent representation -- penalties.** (1) In addition to any other penalties provided by law, an individual who fraudulently represents to a law enforcement official that the individual is*:*

(a) a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, testing laboratory, or marijuana transporter or has a marijuana worker permit is guilty of a civil fine not to exceed $1,000*; or*

(b) a registered cardholder is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed 1 year or a fine not to exceed $1,000, or both.

(2) An individual convicted under this section may not be licensed under this chapter.

(3) A physician who purposely and knowingly misrepresents any information required under 16-12-509 is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed 1 year or a fine not to exceed $1,000, or both."

Section 25. Section 16-12-310, MCA, is amended to read:

"**16-12-310. Limit on local-option marijuana excise tax rate -- goods subject to tax.** (1) The rate of the local-option marijuana excise tax must be established by the election petition or resolution provided for in 16-12-311, and the rate may not exceed 3%.

(2) The local-option marijuana excise tax is a tax on the retail value of all marijuana and marijuana products sold at an adult-use dispensary or medical marijuana dispensary within a county.

(3) If a county imposes a local-option marijuana excise tax:

(a) 50% of the resulting tax revenue must be retained by the county;

(b) 45% of the resulting tax revenue must be apportioned to the municipalities on the basis of the ratio of the population of ~~the~~ *each* city or town to the ~~total county~~ population *of municipalities within the county*; and

(c) the remaining 5% of the resulting tax revenue must be retained by the department to defray costs associated with administering 16-12-309 through 16-12-312 and 16-12-317. The funds retained by the department under this subsection (3)(c) must be deposited into the marijuana state special revenue account established under 16-12-111.

(4) For the purposes of this section, "tax revenue" means the combined taxes collected under any local-option marijuana excise tax collected on retail sales within the county."

Section 26. Section 16-12-311, MCA, is amended to read:

"**16-12-311. Local government excise tax-- election required -- procedure -- notice.** (1) A county that has permitted an adult-use dispensary or medical marijuana dispensary to operate within its borders pursuant to 16-12-301 or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election, may not impose or, except as provided in this section, amend or repeal a local-option marijuana excise tax unless the local-option marijuana excise tax question has been approved by a majority of the qualified electors voting on the question.

(2) The local-option marijuana excise tax question may be presented to the qualified electors of a county by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a resolution of the governing body of the county.

(3) The petition or resolution referring the taxing question must state:

(a) the rate of the tax, which may not exceed 3% of the retail value of all marijuana and marijuana products sold at an adult-use dispensary or medical marijuana dispensary;

(b) the date when the tax becomes effective, which may not be earlier than 90 days after the election; and

(c) the purposes that may be funded by the tax revenue.

(4) On receipt of an adequate petition, the county's governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

~~(5) (a) Before the local-option marijuana excise tax question is submitted to the electorate, the county shall provide notice of the goods subject to the local-option marijuana excise tax by a method described in 13-1-108.~~

~~(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be given not more than 45 days prior to the election, and the last notice must be given not less than 30 days prior to the election.~~

~~(6)~~*(5)* Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (3) of this section.

~~(7)~~*(6)* The question of the imposition of a local-option marijuana excise tax may not be placed before the qualified electors more than once in any fiscal year."

Section 27. Section 16-12-508, MCA, is amended to read:

"**16-12-508. Individuals with debilitating medical conditions -- requirements -- minors -- limitations.** (1) Except as provided in subsections (2) through (5), the department shall issue a registry identification card to an individual with a debilitating medical condition who submits the following, in accordance with department rules:

(a) an application on a form prescribed by the department;

(b) an application fee or a renewal fee;

(c) the individual's name, street address, and date of birth;

(d) proof of Montana residency;

(e) a statement, on a form prescribed by the department, that the individual will not divert to any other individual the marijuana or marijuana products that the individual cultivates, manufactures, or obtains through the system of licensed providers for the individual's debilitating medical condition;

(f) the name of the individual's treating physician or referral physician and the street address and telephone number of the physician's office;

(g) the street address where the individual is cultivating marijuana or manufacturing marijuana products if the individual is cultivating marijuana or manufacturing marijuana products for the individual's own use; and

(h) the written certification and accompanying statements from the individual's treating physician or referral physician as required pursuant to 16-12-509.

(2) The department shall issue a registry identification card to a minor if the materials required under subsection (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions:

(a) provides proof of legal guardianship and responsibility for health care decisions if the individual is submitting an application as the minor's legal guardian with responsibility for health care decisions; and

(b) signs and submits a written statement that:

(i) the minor's treating physician or referral physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana;

(ii) indicates whether the minor's custodial parent or legal guardian will be obtaining marijuana or marijuana products for the minor through the system of licensed dispensaries provided for in this chapter; and

(iii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

(A) consents to the use of marijuana by the minor;

(B) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor; and

(C) agrees that the minor will use only marijuana products *intended for use by a means other than smoking* and will not smoke marijuana;

(c) if the parent or guardian will be serving as the minor's cultivator, undergoes background checks in accordance with subsection (3). The parent or legal guardian shall pay the costs of the background check and may not obtain a license under this chapter if the parent or legal guardian does not meet the requirements set forth in this chapter.

(d) pledges, on a form prescribed by the department, not to divert to any individual any marijuana purchased for the minor's use in a marijuana product.

(3) A parent serving as a minor's cultivator shall submit fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation upon the minor's initial application for a registry identification card and every 5 years after that. The department shall conduct a name-based background check in years when a fingerprint background check is not required.

(4) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to 16-12-509 from a second physician in addition to the minor's treating physician or referral physician unless the minor's treating physician or referral physician is an oncologist, neurologist, or epileptologist.

(5) An individual may not be a registered cardholder if the individual is in the custody of or under the supervision of the department of corrections or a youth court."

Section 28. Section 20-1-220, MCA, is amended to read:

"**20-1-220. Use of *marijuana and* tobacco products in public school building or on public school property prohibited.** (1) An individual may not use a tobacco product, vapor product, *marijuana product,* or alternative nicotine product in a public school building or on public school property.

(2) (a) Subsection (1) does not apply to the use of a tobacco product, vapor product, *marijuana product,* or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, *marijuana product,* or alternative nicotine product.

(b) Subsection (1) does not apply to the use of a smoking cessation product by an employee.

(3) The principal of an elementary or secondary school, or the principal's designee, may enforce this section.

(4) A violation of this section is subject to the penalties provided in 50-40-115.

(5) For the purposes of this section, the following definitions apply:

(a) "Alternative nicotine product" means a manufactured noncombustible product that contains nicotine derived from tobacco and that is intended for human consumption by being chewed, absorbed, dissolved, or ingested by any other means.

(b) (i) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer.

(ii) The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping.

~~(b)~~*(c)* "Public school building" or "public school property":

(i) means public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and

(ii) includes school playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

~~(c)~~*(d)* "Tobacco product" means a substance intended for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

~~(d)~~*(e)* "Vapor product" means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes:

(i) an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and

(ii) a vapor cartridge or other container in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product and device."

Section 29. Repealer. The following sections of the Montana Code Annotated are repealed:

16-12-524. Fraudulent representation -- penalties.

16-12-532. Legislative monitoring.

Section 30. Appropriation. For the biennium beginning July 1, 2023, there is appropriated $405,788 from the marijuana state special revenue account provided for in 16-12-111 to the department of revenue, which comprises 1.5 FTE transferred from the department of public health and human services to the department of revenue and 0.5 new FTE for the department of revenue from House Bill No. 2.

Section 31. Transition. (1) The legislature directs the department of public health and human services to assist the department of revenue with the transfer of FTE, information, materials, and any other marijuana-related assets that the department of revenue considers necessary to implement the regulation of marijuana testing laboratories in the state and exercise authority over the regulation of marijuana testing laboratory licensees in the state.

(2) On July 1, 2023, the department of public health and human services shall transfer to the department of revenue the existing endorsements for any marijuana testing laboratory licensees. Existing endorsements transferred pursuant to this section must be accepted and administered by the department of revenue.

Section 32. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 33. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2023.

(2) [Sections 3, 8, 11, 13, 20, and 21] and this section are effective on passage and approval.

(3) [Sections 12, 14, 15, 17, 18, 23, and 30] are effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 713

[HB 137]

AN ACT GENERALLY REVISING LICENSING AND CERTIFICATION REQUIREMENTS FOR BEHAVIORAL HEALTH PRACTITIONERS; ESTABLISHING EXPERIENCE AND EDUCATION REQUIREMENTS; PROVIDING CONFIDENTIALITY; PROVIDING IMMUNITY; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 20-4-502, 20-9-327, 27-1-1101, 33-30-1019, 33-30-1020, 37-1-401, 37-17-104, 41-3-127, 45-5-231, 45-5-501, 45-5-601, 45-5-709, 53-6-101, 53-21-102, AND 53-21-1202, MCA; AND REPEALING SECTIONS 37-22-101, 37-22-102, 37-22-103, 37-22-201, 37-22-301, 37-22-302, 37-22-305, 37-22-307, 37-22-308, 37-22-313, 37-22-401, 37-22-411, 37-22-412, 37-23-101, 37-23-102, 37-23-201, 37-23-202, 37-23-203, 37-23-206, 37-23-213, 37-23-301, 37-23-311, 37-23-312, 37-35-101, 37-35-102, 37-35-103, 37-35-201, 37-35-202, 37-35-204, 37-37-101, 37-37-102, 37-37-201, 37-37-202, 37-37-205, 37-37-301, 37-37-302, 37-38-101, 37-38-102, 37-38-106, 37-38-201, AND 37-38-202, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose. The practices of social work, professional counseling, marriage and family therapy, addiction counseling, and behavioral health peer support in the state of Montana are professional behavioral health practices affecting the public health, safety, and welfare and are subject to regulation and control in the public interest. It is a matter of public interest and concern that the collective practices of these professions warrant and receive the confidence of the public and that only qualified persons be permitted to practice in the behavioral health field from within or outside of Montana and engage with behavioral health clients located within the state. [Sections 1 through 14] must be liberally construed to carry out these objectives and purposes.

Section 2. Definitions. As used in [sections 1 through 14], the following definitions apply:

(1) "Addiction" means the condition or state in which an individual is physiologically or psychologically dependent on alcohol or other drugs. The term includes chemical dependency as defined in 53-24-103.

(2) "Addiction counseling" means using the knowledge and skill necessary to provide the therapeutic process of addiction treatment.

(3) "Approved examination" means a standardized test or examination of behavioral health knowledge, skills, and abilities that is approved by the board.

(4) "Approved program" means a behavioral health educational program accredited or sponsored by an entity that is recognized at the national, regional, or state level and approved by the board.

(5) "Approved supervisor" means a supervisor determined by the board to meet standards established by the board for supervision of clinical services.

(6) "Baccalaureate social work" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, research, and the development, implementation, and administration of policies, programs, and activities.

(7) "Behavioral health" means, for the purposes of regulation and licensure under this chapter, the practices of social work, professional counseling, marriage and family therapy, addiction counseling, and peer support regulated under [sections 1 through 14].

(8) "Behavioral health disorder" is a diagnosis of:

(a) a mental disorder as defined in 53-21-102; or

(b) chemical dependency as defined in 53-24-103.

(9) "Behavioral health peer support" means the use of personal experience with a behavioral health disorder to provide support, mentoring, guidance, and advocacy to individuals with behavioral health disorders while under the supervision of a mental health professional in an amount, duration, and scope appropriate to the setting and the demonstrated competency and experience of the peer support specialist.

(10) "Board" means the board of behavioral health provided for in 2-15-1744.

(11) "Clinical professional counseling" means engaging in methods and techniques that include:

(a) counseling, which means the therapeutic process of:

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) assessment, which means selecting, administering, scoring, and interpreting instruments, including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship, including techniques to treat the perception of chronic pain. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development.

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources.

(12) (a) "Clinical social work" means the application of professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including emotional, mental, and behavioral disorders and the perception of chronic pain. Treatment includes a plan based on a differential diagnosis. Treatment may include but is not limited to the provision of psychotherapy and counseling to individuals, couples, families, and groups across the life span. A clinical social work licensee may also provide the services of baccalaureate and master's social work.

(b) The term includes the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

(13) "Department" means the department of labor and industry provided for in 2-15-1701.

(14) "Licensee" means an individual licensed under [sections 1 through 14] to practice social work, clinical professional counseling, addiction counseling, or marriage and family therapy or certified to provide behavioral health peer support.

(15) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves:

(a) the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families;

(b) the provision of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, either directly or through public or private organizations; and

(c) the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations pursuant to 37-17-104.

(16) "Master's social work" means the application of social work theory, knowledge, methods, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work includes the application of specialized knowledge and advanced skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities.

(17) "Mental health professional" means:

(a) a physician licensed under Title 37, chapter 3;

(b) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing;

(c) a psychologist licensed under Title 37, chapter 17;

(d) a social worker licensed under [section 10];

(e) a professional counselor licensed under [section 11];

(f) an addiction counselor licensed under [section 12]; or

(g) a marriage and family therapist licensed under [section 13].

(18) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

(19) "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves diagnoses and the application of social work techniques.

(20) "Supervised work experience" means work in a behavioral health field after receipt of the required degree and license but under:

(a) the supervision of an approved supervisor; and

(b) terms and conditions prescribed by the board by rule.

Section 3. Duties of board. The board:

(1) shall meet at least annually to perform the duties described in [sections 1 through 14];

(2) shall adopt rules to carry out the provisions of [sections 1 through 14], including but not limited to rules that set professional, practice, and ethical standards for licensees;

(3) may adopt rules governing the issuance of licenses of special competence in particular areas of practice as a clinical professional counselor. The board shall establish criteria for each particular area for which a license is issued.

(4) shall recommend prosecutions for violations of [sections 1 through 14] to the attorney general or the appropriate county attorney, or both.

Section 4. Fees. Each applicant for a license or certification shall, upon submitting an application to the board, pay an application fee set by the department.

Section 5. Background checks. (1) As a prerequisite to the issuance of a license, candidate license, or certification, the board shall require an applicant to submit fingerprints for the purposes of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307. The board shall require a criminal background check of applicants and shall determine the applicant's suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(2) (a) An applicant who has a history of criminal convictions has the opportunity, as provided in 37-1-203, to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust.

(b) The board may deny the license or certification if the board determines the applicant is not sufficiently rehabilitated.

Section 6. Privileged communications -- exceptions. A licensee may not disclose any information the licensee acquires from clients consulting the licensee in a professional capacity except:

(1) with the written consent of the client or, in the case of the client's death or mental incapacity, with the written consent of the client's personal representative or guardian;

(2) when a communication that otherwise would be confidential reveals that the client or another person is contemplating the commission of a crime or the licensee's professional opinion reveals a threat of imminent harm to the client or others;

(3) when the client is a minor and information acquired by the licensee indicates that the client was the victim of a crime, the licensee may be required to testify fully in relation to the information in any investigation, trial, or other legal proceeding in which the commission of that crime is the subject of inquiry;

(4) when the client or the client's personal representative or guardian brings an action against a licensee for a claim arising out of the licensee-client relationship, the client is considered to have waived any privilege;

(5) when the client otherwise waives the licensee-client privilege; and

(6) as may otherwise be required by law.

Section 7. Immunity from disciplinary action -- exceptions. (1) Except as provided in subsection (2), immunity from the disciplinary authority of the board for violations of 37-1-316 is granted to a licensee when any allegation of misconduct is based on testimony or opinions offered by the licensee with respect to judicial proceedings governed by Title 40, 41, or 42.

(2) This section does not apply to addiction counselors or behavioral health peer support specialists.

Section 8. Exemptions from licensure. The license and certification requirements of [sections 1 through 14] do not prohibit:

(1) a member of another profession from performing duties and services consistent with the individual's licensure or certification or, in the case of a qualified member of another profession who is not licensed or certified, from

performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is licensed by the board;

(2) an activity or service or use of an official title by a person employed by or acting as a volunteer for a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(3) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees; or

(4) an activity or service of a student, intern, or resident in behavioral health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training program if the activity or service constitutes a part of a supervised course of study.

Section 9. Candidates for licensure or certification. (1) A person who has completed the education requirements of [section 10, 11, 12, or 13] but who has not completed the supervised work experience may apply for licensure as a candidate.

(2) A candidate shall submit a training and supervision plan.

(3) On completion of the supervised work experience, the candidate may apply to take any approved examination for the licensure level the individual seeks to practice.

(4) The board shall limit the number of years a person may be licensed as a candidate under this section.

(5) On passage of an approved examination, the candidate must apply for licensure in order to continue to practice.

Section 10. Social work license required -- qualifications. (1) A person may not practice social work unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) Except as provided in subsection (6), an applicant for a clinical social work license must have:

(a) completed a master's or doctoral degree in social work from an approved program;

(b) successfully completed 3,000 hours of supervised social work practice; and

(c) passed an approved examination.

(3) An applicant for a master's social work license must have:

(a) completed a master's degree in an approved program;

(b) successfully completed the required hours of supervised social work practice as determined by board rule; and

(c) passed an approved examination.

(4) An applicant for a baccalaureate social work license must have:

(a) completed a bachelor's degree in social work from an approved program;

(b) successfully completed the required hours of supervised social work practice as determined by board rule; and

(c) passed an approved examination.

(5) A clinical social work licensee may engage in the independent practice of social work as defined in board rule.

(6) An applicant for a clinical social work license who has not completed the degree requirements of subsection (2)(a) may be licensed if the applicant meets requirements established by the board by rule for additional postdegree social work experience equivalent to the provisions of subsections (2)(a) and (2)(b).

(7) The supervised social work practice required by this section must be completed as provided in [section 9] and as prescribed by the board by rule.

Section 11. Clinical professional counseling license required -- qualifications. (1) A person may not practice clinical professional counseling unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) Except as provided in subsection (3), an applicant for licensure as a clinical professional counselor must have:

(a) completed a master's or doctoral degree from an approved program;

(b) completed 3,000 hours of supervised clinical professional counseling practice; and

(c) passed an approved examination.

(3) An applicant who has not completed the degree requirements of subsection (2)(a) may be licensed if the applicant meets requirements established by the board by rule for additional postdegree experience equivalent to the provisions of subsections (2)(a) and (2)(b).

(4) The supervised clinical professional counseling practice required under subsection (2(b) must be completed as provided in [section 9] and as prescribed by the board by rule.

Section 12. Addiction counseling license required -- qualifications. (1) A person may not practice addiction counseling unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) Except as provided in subsection (3), an applicant for licensure as an addiction counselor must have:

(a) a minimum of an associate of arts degree or a certificate from an accredited institution in one of the following areas:

(i) alcohol and drug studies;

(ii) addiction; or

(iii) substance abuse; or

(b) a minimum of a baccalaureate or advanced degree from an accredited college or university in any area. Either as part of that degree or taken as courses outside the degree from an accredited college or university, the applicant must have the following:

(i) six semester credits in human behavior, sociology, psychology, or a similar emphasis;

(ii) three semester credits in psychopathology or coursework exploring patterns and courses of abnormal or deviant behavior;

(iii) three semester credits in group counseling; and

(iv) three semester credits in the theory of counseling;

(c) completed supervised addiction counseling practice as defined by the board by rule; and

(d) passed an approved examination. The board shall provide by rule how much experience counts for the examination.

(3) An applicant who has not completed the education requirements of subsection (2) may be licensed if the applicant meets requirements established by the board by rule for additional work experience equivalent to the provisions of subsections (2)(a) and (2)(b).

(4) The supervised addiction counseling practice required under subsection (2)(c) must be completed as provided in [section 9] and as prescribed by the board by rule.

Section 13. Marriage and family therapy license required -- qualifications. (1) A person may not practice marriage and family therapy unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) An applicant for licensure as a marriage and family therapist must have:

(a) (i) completed a master's or doctoral degree in marriage and family therapy from an approved program;

(ii) completed a graduate degree in an allied field from an approved program, including graduate-level work that the board determines to be the equivalent of a master's degree in marriage and family therapy or marriage and family counseling; or

(iii) completed additional postdegree experience as defined by board rule as equivalent to the degree requirements in subsection (2)(a)(i) or (2)(a)(ii) if the applicant does not have a degree as provided in subsection (2)(a)(i) or (2)(a)(ii);

(b) passed an approved examination; and

(c) practiced under the direct supervision of an approved supervisor for at least 3,000 hours, including 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to 500 hours may be accumulated while achieving the educational credentials listed in subsection (2)(a)(i) or (2)(a)(ii).

(3) The supervised practice required under subsection (2)(c) must be completed as provided in [section 9] and as prescribed by the board by rule.

Section 14. Peer support specialist license required -- qualifications. (1) A person may not practice peer support unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) An applicant for licensure as a peer support specialist must:

(a) have a diagnosis from a mental health professional as having a behavioral health disorder;

(b) have received treatment for the diagnosed behavioral health disorder;

(c) be in recovery, as defined by board rule, from the behavioral health disorder; and

(d) have successfully completed an approved program in behavioral peer support, including an ethics portion, as defined by board rule. The board shall:

(i) provide a list of approved programs; and

(ii) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations.

Section 15. Section 20-4-502, MCA, is amended to read:

"**20-4-502. Definitions.** For purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Critical quality educator shortage area" means a specific licensure or endorsement area in an impacted school in which:

(a) in any of the 3 immediate preceding school fiscal years a position was:

(i) filled through the procedures set forth in 19-20-732, 20-4-106(1)(e), or 20-4-111;

(ii) filled from a candidate pool of less than five qualified candidates; or

(iii) advertised and remained vacant and unfilled due to a lack of qualified candidates for a period in excess of 30 days; or

(b) a vacancy for the current school year was advertised for a period of at least 30 days and the district received less than five applications from qualified candidates.

(2) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(3) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(4) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(5) "Impacted school" means:

(a) a special education cooperative;

(b) the Montana school for the deaf and blind, as described in 20-8-101;

(c) the Montana youth challenge program, as established in 10-1-1401;

(d) a correctional facility, as defined in 41-5-103;

(e) a public school located on an Indian reservation; and

(f) a public school that, driving at a reasonable speed for the road surface, is located more than 20 minutes from a Montana city with a population greater than 15,000 based on the most recent federal decennial census.

(6) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (6)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, ~~37-22-301, 37-23-201,~~ 37-24-301, ~~or~~ 37-25-302*, [section 10], [section 11], or [section 13]* and is employed by an entity listed in subsection (6)(b) of this section to provide services to students.

(b) For purposes of subsection (6)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) the Montana youth challenge program; and

(v) a correctional facility, as defined in 41-5-103.

(7) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

Section 16. Section 20-9-327, MCA, is amended to read:

"**20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

(i) public school districts, as defined in 20-6-101 and 20-6-701;

(ii) special education cooperatives, as described in 20-7-451;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) correctional facilities, as defined in 41-5-103; and

(v) the Montana youth challenge program.

(b) A special education cooperative that has not met the requirements of 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) (a) The quality educator payment for special education cooperatives must be distributed directly to those entities by the superintendent of public instruction.

(b) The quality educator payment for the Montana school for the deaf and blind must be distributed to the Montana school for the deaf and blind.

(c) The quality educator payment for Pine Hills correctional facility and the facility under contract with the department of corrections for female youth must be distributed to those facilities by the department of corrections.

(d) The quality educator payment for the Montana youth challenge program must be distributed to that program by the department of military affairs.

(3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) of this section in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education;

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, ~~37-22-301, 37-23-201,~~ 37-24-301, ~~or~~ 37-25-302*, [section 10], [section 11], or [section 13]*; and

(ii) is employed by an entity listed in subsection (1) to provide services to students; or

(c) (i) holds an American Indian language and culture specialist license; and

(ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian language immersion program pursuant to Title 20, chapter 7, part 14."

Section 17. Section 27-1-1101, MCA, is amended to read:

"**27-1-1101. Definition.** As used in this part, "mental health professional" means:

(1) a certified professional person as defined in 53-21-106;

(2) a physician licensed under Title 37, chapter 3;

(3) a professional counselor licensed under Title 37, ~~chapter 23~~ *[sections 1 through 14]*;

(4) a psychologist licensed under Title 37, chapter 17;

(5) a *clinical* social worker licensed under Title 37, ~~chapter 22~~ *[sections 1 through 14]*; or

(6) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing*; or*

(7) a marriage and family therapist licensed under Title 37, [sections 1 through 14]."

Section 18. Section 33-30-1019, MCA, is amended to read:

"**33-30-1019. Coverage for services provided under freedom of choice for auxiliary health services.** A health service corporation shall provide, in group and individual insurance contracts or certificates, coverage for health services provided by a speech-language pathologist or audiologist licensed pursuant to Title 37, chapter 15, or an addiction counselor licensed under Title 37, ~~chapter 35~~ *[sections 1 through 14]*, if the health care services that speech-language pathologists, audiologists, or addiction counselors are licensed to perform are covered by the contracts or certificates."

Section 19. Section 33-30-1020, MCA, is amended to read:

"**33-30-1020. Coverage for services provided under freedom of choice for mental health services.** A health service corporation shall provide, in group and individual insurance contracts, coverage for health services provided by marriage and family therapists licensed under Title 37, ~~chapter 37~~ *[sections 1 through 14]*, if the health care services that marriage and family therapists are licensed to perform are covered by the contracts."

Section 20. Section 37-1-401, MCA, is amended to read:

"**37-1-401. Uniform regulation for licensing programs without boards -- definitions.** As used in this part, the following definitions apply:

(1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the department;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether the department should seek an injunction.

(4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

(a) Title 37, chapter ~~35,~~ 72~~,~~ or 73; or

(b) Title 50, chapter 39, 74, or 76.

(5) "Profession" or "occupation" means a profession or occupation regulated by the department under the provisions of:

(a) Title 37, chapter ~~35,~~ 49, 72, or 73; or

(b) Title 50, chapter 39, 74, or 76."

Section 21. Section 37-17-104, MCA, is amended to read:

"**37-17-104. Exemptions.** (1) Except as provided in subsection (2), this chapter does not prevent:

(a) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, professional counselors*, and marriage and family therapists* licensed under Title 37, ~~chapter 23~~ *[sections 1 through 14]*, ~~marriage and family therapists licensed under Title 37, chapter 37,~~ or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology", "psychologist", "psychological", or "psychologic";

(b) the activities, services, and use of an official title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational institution, business corporation, or research laboratory insofar as these activities and services are a part of the duties of the office or position within the confines of the agency or institution;

(c) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of the supervised course of study of the student, intern, or resident in psychology;

(d) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days if the person is authorized under the laws of the state or country of that person's residence to perform these activities and services. However, these persons shall report to the department the nature and extent of the services in this state prior to providing those services if the services are to exceed 10 days in a calendar year.

(e) a person authorized by the laws of the state or country of the person's former residence to perform activities and services, who has recently become a resident of this state and who has submitted a completed application for a license in this state, from performing the activities and services pending disposition of the person's application; and

(f) the offering of lecture services.

(2) Those qualified members of other professions described in subsection (1)(a) may indicate and hold themselves out as performing psychological testing, evaluation, and assessment, as described in 37-17-102(4)(b), provided that they are qualified to administer the test and make the evaluation or assessment.

(3) The board of behavioral health shall adopt rules that qualify a *clinical social work, clinical professional counseling, or marriage and family therapy* licensee under Title 37, ~~chapter 22, 23, or 37~~ *[sections 1 through 14]*, to perform psychological testing, evaluation, and assessment. The rules for licensed clinical social workers, professional counselors, and licensed marriage and family therapists must be consistent with the guidelines of their respective national associations. A qualified licensee providing services under this exemption shall comply with the rules no later than 1 year from the date of adoption of the rules."

Section 22. Section 41-3-127, MCA, is amended to read:

"**41-3-127. Certification required for use of title -- exceptions.** (1) On certification in accordance with 41-3-127 through 41-3-130, a person may use the title "certified child protection specialist".

(2) Subsection (1) does not prohibit a qualified member of another profession, such as a law enforcement officer, lawyer, psychologist, pastoral counselor, probation officer, court employee, nurse, school counselor, educator, *or* baccalaureate, master's, or clinical social worker*,* ~~licensed pursuant to Title 37, chapter 22,~~ clinical professional counselor*,* ~~licensed pursuant to Title 37, chapter 23,~~ addiction counselor*,* ~~licensed pursuant to Title 37, chapter 35,~~ or marriage and family therapist licensed pursuant to Title 37, ~~chapter 37~~ *[sections 1 through 14]*, from performing duties and services consistent with the person's licensure or certification and the code of ethics of the person's profession.

(3) Subsection (1) does not prohibit a qualified member of another profession, business, educational program, or volunteer organization who is not licensed or certified or for whom there is no applicable code of ethics, including a guardian ad litem, child advocate, or law enforcement officer, from performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is a certified child protection specialist."

Section 23. Section 45-5-231, MCA, is amended to read:

"**45-5-231. Definitions.** As used in 45-5-231 through 45-5-234, unless the context requires otherwise, the following definitions apply:

(1) "Assault on a partner or family member" has the meaning provided in 45-5-206 for partner or family member assault.

(2) "Chemical dependency treatment" means required counseling and treatment related to chemical dependency issues.

(3) "Counseling" means *clinical* professional counseling as defined in ~~37-23-102~~ *[section 2]* and includes group counseling for the purposes of 45-5-231 through 45-5-234.

(4) "Investigative criminal justice report" means the investigative report prepared by a law enforcement agency associated with an offender's arrest for an assault on a partner or family member, excluding any confidential information relating to the victim's location and confidential information not related to the offense.

(5) "Offender" means a person convicted of an assault on a partner or family member.

(6) "Offender intervention program" means the combination of counseling and other services that is organized in a judicial district to provide a preliminary assessment for counseling and other services that are required for an offender.

(7) "Preliminary assessment for counseling" means the counseling assessment completed by a counselor to determine an offender's need for counseling, attendance at psychoeducational groups, and referrals for other treatment. This assessment must be completed either before or within 4 weeks after counseling and psychoeducational groups are started.

(8) "Psychoeducational group" means a group discussion, with instructional content themes, that encourages sharing and feedback, increases self-awareness, and is aimed at facilitating change in group members' daily lives.

(9) "Recreational intoxicant" means a substance, drug, or other chemical that was taken for the purpose of causing a person to be in a different emotional or psychological state and was not taken for a medically recognized therapeutic purpose.

(10) "Victim" means a person against whom the offender committed an assault."

Section 24. Section 45-5-501, MCA, is amended to read:

"**45-5-501. Definitions.** (1) (a) As used in 45-5-502, 45-5-503, and 45-5-508, the term "consent" means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

(i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

(ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and

(iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

(b) Subject to subsections (1)(c) through (1)(g), the victim is incapable of consent because the victim is:

(i) mentally disordered or incapacitated;

(ii) physically helpless;

(iii) overcome by deception, coercion, or surprise;

(iv) less than 16 years old;

(v) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;

(vi) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

(B) is an employee, contractor, or volunteer of the youth care facility;

(vii) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

(B) is an employee, contractor, or volunteer of the facility or community-based service;

(viii) a program participant, as defined in 52-2-802, in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in 52-2-802;

(ix) the victim is a client receiving psychotherapy services and the perpetrator:

(A) is providing or purporting to provide psychotherapy services to the victim; or

(B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim;

(x) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting;

(xi) a witness in a criminal investigation or a person who is under investigation in a criminal matter and the perpetrator is a law enforcement officer who is involved with the case in which the victim is a witness or is being investigated; or

(xii) a parent or guardian involved in a child abuse or neglect proceeding under Title 41, chapter 3, and the perpetrator is:

(A) employed by the department of public health and human services for the purposes of carrying out the department's duties under Title 41, chapter 3; and

(B) directly involved in the parent or guardian's case or involved in the supervision of the case.

(c) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation, conditional release, or parole and the other individual is a probation or parole officer of a supervising authority.

(d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

(e) Subsection (1)(b)(viii) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a person associated with the program.

(f) Subsection (1)(b)(ix) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.

(g) Subsection (1)(b)(x) does not apply if the individuals are married to each other.

(2) As used in 45-5-508, the term "force" means:

(a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or

(b) the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.

(3) As used in 45-5-502 and this section, the following definitions apply:

(a) "Conditional release", in the case of a youth offender, has the meaning provided in 41-5-103.

(b) "Parole", in the case of an adult offender, has the meaning provided in 46-1-202.

(c) "Probation" means:

(i) in the case of an adult offender, release without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority; and

(ii) in the case of a youth offender, supervision of the youth by a youth court pursuant to Title 41, chapter 5.

(d) (i) "Psychotherapy services" means treatment, diagnosis, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral or mental health disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with effective emotional, social, or intellectual functioning regardless of whether the individual providing the psychotherapy services is licensed or unlicensed.

(ii) The term does not include a partner surrogate working with a *clinical* social worker~~,, a professional counselor, or a licensed~~ clinical professional counselor*, or a marriage and family therapist* as those professionals are licensed in Title 37, ~~chapter 22 or 23~~ *[sections 1 through 14]*.

(e) "Supervising authority" includes a court, including a youth court, a county, or the department of corrections."

Section 25. Section 45-5-601, MCA, is amended to read:

"**45-5-601. Prostitution -- patronizing prostitute -- exception.** (1) Except as provided in subsection (2)(a), the offense of prostitution is committed if a person engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid.

(2) (a) A prostitute may be convicted of prostitution only if the prostitute engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether the compensation is received or to be received or paid or to be paid. A prostitute who is convicted of prostitution may be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A patron may be convicted of patronizing a prostitute if the patron engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid. Except as provided in subsections (3) and (4), a patron who is convicted of prostitution shall for the first offense be fined an amount not to exceed $1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 5 years, or both.

(3) (a) If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child's age, the patron offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (3)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(4) If the person patronized was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the patron offender was 18 years of age or older at the time of the offense and knew or reasonably should have known that the person patronized was a victim of human trafficking or was subjected to force, fraud, or coercion, the patron offender:

(a) shall be punished by imprisonment in a state prison for a term of up to 10 years; and

(b) may be fined an amount not to exceed $25,000.

(5) It is not a violation of 45-5-602, 45-5-603, or this section for a person with an impaired physical ability, physical dysfunction, recent injury, or other disability to engage in sex therapy with a partner surrogate who is working under the supervision of a *clinical* social worker*,*~~, professional counselor,~~ *marriage and family therapist,* or ~~licensed~~ clinical professional counselor licensed under Title 37, ~~chapter 22 or 23~~ *[sections 1 through 14]*."

Section 26. Section 45-5-709, MCA, is amended to read:

"**45-5-709. Immunity of child -- sex therapy participants.** (1) A person is not criminally liable or subject to proceedings under Title 41, chapter 5, for prostitution, promoting prostitution, or other nonviolent offenses if the person was a child at the time of the offense and committed the offense as a direct result of being a victim of human trafficking.

(2) A person who has engaged in commercial sexual activity is not criminally liable or subject to proceedings under Title 41, chapter 5, for prostitution if the person was a child at the time of the offense.

(3) A child who under subsection (1) or (2) is not subject to criminal liability or proceedings under Title 41, chapter 5, is presumed to be a youth in need of care under Title 41, chapter 3, and is entitled to specialized services and care, which may include access to protective shelter, food, clothing, medical care, counseling, and crisis intervention services, if appropriate.

(4) Subsections (1) through (3) do not apply in a prosecution under 45-5-601 or a proceeding under Title 41, chapter 5, for patronizing a prostitute.

(5) It is not a violation of this part for a person with an impaired physical ability, physical dysfunction, recent injury, or other disability to engage in sex therapy with a partner surrogate who is working under the supervision of a *clinical* social worker~~, professional counselor~~*,, marriage and family therapist,* or ~~licensed~~ clinical professional counselor licensed under Title 37, ~~chapter 22 or 23~~ *[sections 1 through 14]*."

Section 27. Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; and

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of *clinical* professional counselors licensed under Title 37, ~~chapter 23~~ *[sections 1 through 14]*;

(m) services of a marriage and family therapist licensed under Title 37, [sections 1 through 14];

~~(m)~~*(n)* hospice care, as defined in 42 U.S.C. 1396d(o);

~~(n)~~*(o)* case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

~~(o)~~*(p)* services of psychologists licensed under Title 37, chapter 17;

~~(p)~~*(q)* inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

~~(q)~~*(r)* services of behavioral health peer support specialists certified under Title 37, ~~chapter 38~~ *[sections 1 through 14]*, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and

~~(r)~~*(s)* any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through ~~(4)(r)~~ *(4)(s)* that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana

medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)"

Section 28. Section 53-21-102, MCA, is amended to read:

"**53-21-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Abuse" means any willful, negligent, or reckless mental, physical, sexual, or verbal mistreatment or maltreatment or misappropriation of personal property of any person receiving treatment in a mental health facility that insults the psychosocial, physical, or sexual integrity of any person receiving treatment in a mental health facility.

(2) "Behavioral health inpatient facility" means a facility or a distinct part of a facility of 16 beds or less licensed by the department that is capable of providing secure, inpatient psychiatric services, including services to persons with mental illness and co-occurring chemical dependency.

(3) "Board" or "mental disabilities board of visitors" means the mental disabilities board of visitors created by 2-15-211.

(4) "Commitment" means an order by a court requiring an individual to receive treatment for a mental disorder.

(5) "Court" means any district court of the state of Montana.

(6) "Department" means the department of public health and human services provided for in 2-15-2201.

(7) "Emergency situation" means:

(a) a situation in which any person is in imminent danger of death or bodily harm from the activity of a person who appears to be suffering from a mental disorder and appears to require commitment; or

(b) a situation in which any person who appears to be suffering from a mental disorder and appears to require commitment is substantially unable

to provide for the person's own basic needs of food, clothing, shelter, health, or safety.

(8) "Friend of respondent" means any person willing and able to assist a person suffering from a mental disorder and requiring commitment or a person alleged to be suffering from a mental disorder and requiring commitment in dealing with legal proceedings, including consultation with legal counsel and others.

(9) (a) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term does not include:

(i) addiction to drugs or alcohol;

(ii) drug or alcohol intoxication;

(iii) intellectual disability; or

(iv) epilepsy.

(c) A mental disorder may co-occur with addiction or chemical dependency.

(10) "Mental health facility" or "facility" means the state hospital, the Montana mental health nursing care center, or a hospital, a behavioral health inpatient facility, a mental health center, a residential treatment facility, or a residential treatment center licensed or certified by the department that provides treatment to children or adults with a mental disorder. A correctional institution or facility or jail is not a mental health facility within the meaning of this part.

(11) "Mental health professional" means:

(a) a certified professional person;

(b) a physician licensed under Title 37, chapter 3;

(c) a *clinical* professional counselor licensed under Title 37, ~~chapter 23~~ *[sections 1 through 14]*;

(d) a psychologist licensed under Title 37, chapter 17;

(e) a *clinical* social worker licensed under Title 37, ~~chapter 22~~ *[sections 1 through 14]*;

(f) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing; ~~or~~

(g) a physician assistant licensed under Title 37, chapter 20, with a clinical specialty in psychiatric mental health*; or*

(h) a marriage and family therapist licensed under Title 37, [sections 1 through 14].

(12) (a) "Neglect" means failure to provide for the biological and psychosocial needs of any person receiving treatment in a mental health facility, failure to report abuse, or failure to exercise supervisory responsibilities to protect patients from abuse and neglect.

(b) The term includes but is not limited to:

(i) deprivation of food, shelter, appropriate clothing, nursing care, or other services;

(ii) failure to follow a prescribed plan of care and treatment; or

(iii) failure to respond to a person in an emergency situation by indifference, carelessness, or intention.

(13) "Next of kin" includes but is not limited to the spouse, parents, adult children, and adult brothers and sisters of a person.

(14) "Patient" means a person committed by the court for treatment for any period of time or who is voluntarily admitted for treatment for any period of time.

(15) "Peace officer" means any sheriff, deputy sheriff, marshal, police officer, or other peace officer.

(16) "Professional person" means:

(a) a medical doctor;

(b) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing;

(c) a licensed psychologist;

(d) a physician assistant licensed under Title 37, chapter 20, with a clinical specialty in psychiatric mental health; or

(e) a person who has been certified, as provided for in 53-21-106, by the department.

(17) "Reasonable medical certainty" means reasonable certainty as judged by the standards of a professional person.

(18) "Respondent" means a person alleged in a petition filed pursuant to this part to be suffering from a mental disorder and requiring commitment.

(19) "State hospital" means the Montana state hospital."

Section 29. Section 53-21-1202, MCA, is amended to read:

"**53-21-1202. Crisis intervention programs -- rulemaking authority.** (1) The department shall, subject to available appropriations for the purposes of this part, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties and federally recognized tribal governments in developing plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

(a) a rehabilitative service under 53-6-101(4)(j); and

(b) a targeted case management service authorized in 53-6-101~~(4)(n)~~*(4)(o)*.

(4) The department shall adopt rules to:

(a) implement the grant program provided for in 53-21-1203;

(b) contract for detention beds pursuant to 53-21-1204; and

(c) pay for short-term inpatient treatment that is provided pursuant to 53-21-1205."

Section 30. Repealer. The following sections of the Montana Code Annotated are repealed:

37-22-101. Purpose.
37-22-102. Definitions.
37-22-103. Levels of social worker licensure.
37-22-201. Duties of board.
37-22-301. Licensed clinical social worker requirements -- rulemaking -- exemptions.
37-22-302. Fees.
37-22-305. Representation to public as licensed social worker -- limitations on use of title -- limitations on practice.
37-22-307. Licensed baccalaureate social worker requirements -- exemption -- rulemaking.
37-22-308. Licensed master's social worker requirements -- rulemaking -- exemption.
37-22-313. Social worker licensure candidate -- registration requirements -- renewal -- standards.
37-22-401. Privileged communications -- exceptions.
37-22-411. Violations -- penalties.
37-22-412. Immunity from misconduct allegations.
37-23-101. Purpose.

37-23-102. Definitions.
37-23-201. Representation or practice as licensed clinical professional counselor -- license required.
37-23-202. Licensure requirements.
37-23-203. Display of license.
37-23-206. Fees.
37-23-213. Professional counselor licensure candidate -- registration -- renewal -- standards.
37-23-301. Privileged communications -- exceptions.
37-23-311. Misdemeanor violations -- penalties.
37-23-312. Immunity from misconduct allegations.
37-35-101. Purpose.
37-35-102. Definitions.
37-35-103. Board powers and duties.
37-35-201. License required -- exceptions.
37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.
37-35-204. Penalty.
37-37-101. Purpose.
37-37-102. Definitions.
37-37-201. License requirements -- exemptions.
37-37-202. Representation to public as licensed marriage and family therapist.
37-37-205. Marriage and family therapist licensure candidate -- registration -- renewal -- standards.
37-37-301. Violations -- penalties.
37-37-302. Immunity from misconduct allegations.
37-38-101. Behavioral health peer support specialist.
37-38-102. Definitions.
37-38-106. Privileged communications -- exceptions.
37-38-201. Certification required -- exceptions.
37-38-202. Certificate requirements -- supervision -- fees.

Section 31. Codification instruction. [Sections 1 through 14] are intended to be codified as a new chapter of Title 37, and the provisions of Title 37 apply to [sections 1 through 14].

Section 32. Coordination instruction. If both Senate Bill No. 198 and [this act] are passed and approved and if both contain sections that amend or repeal provisions related to behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 9 of this act] must be amended as follows:

"**Section 9. Candidates for licensure or certification.** (1) A person who has completed the education requirements of [section 10, 11, 12, ~~or~~ 13*, or 14*] but who has not completed the supervised work experience may apply for licensure *or certification* as a candidate.

(2) A candidate shall submit a training and supervision plan.

(3) On completion of the supervised work experience, the candidate may apply to take any approved examination for the licensure *or certification* level the individual seeks to practice.

(4) The board shall limit the number of years a person may be licensed *or certified* as a candidate under this section.

(5) On passage of an approved examination, the candidate must apply for licensure *or certification* in order to continue to practice."

Section 33. Coordination instruction. If both Senate Bill No. 198 and [this act] are passed and approved and if both contain sections that amend or

repeal provisions related to behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 14 of this act] must be amended as follows:

"**Section 14. Peer support specialist ~~license~~ *certificate* required -- qualifications.** (1) A person may not practice *behavioral health* peer support unless ~~licensed~~ *certified* under Title 37 chapter 1, and [sections 1 through 14].

(2) An applicant for ~~licensure~~ *certification* as a *behavioral health* peer support specialist must:

(a) have a diagnosis from a mental health professional as having a behavioral health disorder;

(b) have received treatment for the diagnosed behavioral health disorder;

(c) be in recovery, as defined by board rule, from the behavioral health disorder; and

(d) have successfully completed an approved program in behavioral peer support, including an ethics portion, as defined by board rule. The board shall:

(i) provide a list of approved programs; and

(ii) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations.

(3) An applicant for licensure as a credentialed behavioral health peer support specialist must have completed 1,000 hours of supervised training and work experience as a peer support specialist. The board shall, by rule, determine the types of training, experience, and supervision necessary.

(4) The board shall credential a person who was a certified behavioral health peer support specialist on [the effective date of this act] without requiring the person to meet the requirements of [this act] if the person:

(a) was certified before October 1, 2022; or

(b) was certified and had completed 1,000 hours of supervised work experience on or before [the effective date of this act] and is in good standing with the board."

Section 34. Coordination instruction.. If both House Bill No. 101 and [this act] are passed and approved, then [sections 1 through 5 and 7 of House Bill No. 101] are void and [section 1 of House Bill No. 101] must be replaced with the following and codified in the same new chapter as [sections 1 through 14 of this act]:

"**Section 1. Licensure and certification reciprocity for out-of-state applicants.** (1) An applicant for reciprocity licensure or certification is subject to the application procedure in this chapter and must have an active license or certificate in good standing from a jurisdiction whose license or certification qualifications, measured at the time of application to this state, are substantially equivalent to the license or certification qualifications in this state as determined by the department.

(2) If the qualifications in subsection (1) are not substantially equivalent, the department shall refer the application to the board to determine if the deficiency can be addressed by the applicant's actual qualifications and work experience."

Section 35. Coordination instruction. If both House Bill No. 101 and [this act] are passed and approved, then [sections 2 through 5 and 7 of House Bill No. 101] are void and [section 6 of House Bill No. 101], amending 37-1-304, must be amended as follows:

"**37-1-304. Licensure of out-of-state applicants -- reciprocity.** (1) ~~A~~ *Except as provided in [sections 1 through 14 of House Bill No. 137], a* board shall issue a license to practice without examination to a person licensed in another state if the board determines that:

(a) the other state's license standards at the time of application to this state are substantially equivalent to or greater than the standards in this state; and

(b) there is no reason to deny the license under the laws of this state governing the profession or occupation.

(2) The license may be issued if the applicant affirms or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from another state, the board may summarily suspend the license pending further action to discipline or revoke the license.

(3) This section does not prevent a board from entering into a reciprocity agreement with the licensing authority of another state or jurisdiction. ~~The~~ *Except as provided in [sections 1 through 14 of House Bill No. 137], the* agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if the license applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the board on a case-by-case basis."

Approved May 22, 2023

CHAPTER NO. 714

[HB 229]

AN ACT GENERALLY REVISING MARIJUANA LAWS; ALLOWING FOR A PROBATIONARY LICENSE FOR TESTING LABORATORIES; ALLOWING FOR A VARIANCE IN THE MEASUREMENT OF A SINGLE-SERVE EDIBLE MARIJUANA PRODUCT; AND AMENDING SECTIONS 16-12-104 AND 16-12-224, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-12-104, MCA, is amended to read:

"**16-12-104. Department responsibilities -- licensure.** (1) The department shall establish and maintain a registry of persons who receive licenses under this chapter.

(2) (a) The department shall issue the following license types to persons who submit applications meeting the requirements of this chapter:

(i) cultivator license;

(ii) manufacturer license;

(iii) adult-use dispensary license or a medical marijuana dispensary license;

(iv) testing laboratory license.

(v) marijuana transporter license.

(vi) combined-use marijuana license.

(b) The department may establish other license types, subtypes, endorsements, and restrictions it considers necessary for the efficient administration of this chapter.

(3) A licensee may not cultivate hemp or engage in hemp manufacturing at a licensed premises.

(4) A person licensed to cultivate or manufacture marijuana or marijuana products is subject to the provisions contained in the Montana Pesticides Act provided for in Title 80, chapter 8.

(5) The department shall assess applications for licensure or renewal to determine if an applicant, controlling beneficial owner, or a person with a

financial interest in the applicant meets any of the criteria established in this chapter for denial of a license.

(6) A license issued pursuant to this chapter must be displayed by the licensee as provided for in rule by the department.

(7) (a) ~~The~~ *Except as provided in subsection (8), the* department shall review the information contained in an application or renewal submitted pursuant to this chapter and shall approve or deny an application:

(i) within 60 days of receiving the application or renewal and all related application materials from a former medical marijuana licensee or an existing licensee under this chapter; and

(ii) within 120 days of receiving the application and all related application materials from a new applicant.

(b) If the department fails to act on a completed application within the time allowed under subsection (7)(a), the department shall:

(i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(ii) allow a licensee to continue operation until the department takes final action.

(c) The department may not take final action on an application for a license or renewal of a license until the department has completed a satisfactory inspection as required by this chapter and related administrative rules.

(d) The department shall issue a license or endorsement within 5 days of approving an application or renewal.

(8) (a) The department may issue a probationary license under subsection (2)(a)(iv) only if:

(i) an applicant has completed the International Organization for Standardization application for assessment; and

(ii) there are no pending corrective actions to obtain International Organization for Standardization accreditation.

(b) A probationary license is valid for 180 days from the date of issue and may be renewed one time:

(i) if the application is denied after a good faith application effort; or

(ii) if the application remains pending International Organization for Standardization accreditation.

(c) If an applicant voluntarily closes the application process after receiving a probationary license, the applicant may not receive a second probationary license for 2 years.

~~(8)~~*(9)* (a) Review of a rejection of an application or renewal may be conducted as a contested case hearing before the department's office of dispute resolution pursuant to the provisions of the Montana Administrative Procedure Act.

(b) A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection ~~(8)(b)~~*(9)(b)* must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.

~~(9)~~*(10)* Licenses issued under this chapter must be renewed annually.

~~(10)~~*(11)* (a) The department shall provide the names and phone numbers of persons licensed under this chapter and the city, town, or county where licensed premises are located to the public on the department's website. Except as provided in subsection ~~(10)(b)~~ *(11)(b)*, the department may not disclose the physical location or address of a marijuana business.

(b) The department may share the physical location or address of a marijuana business with another state agency, political subdivision, and the state fire marshal.

~~(11)~~*(12)* The department may not prohibit a cultivator, manufacturer, or adult-use dispensary licensee operating in compliance with the requirements of this chapter from operating at a shared location with a medical marijuana dispensary.

~~(12)~~*(13)* The department may not adopt rules requiring a consumer to provide a licensee with identifying information other than government-issued identification to determine the consumer's age. A licensee that scans a person's driver's license using an electronic reader to determine the person's age:

(a) may only use data or metadata from the scan determine the person's age;

(b) may not transfer or sell that data or metadata to another party; and

(c) shall permanently delete any data or metadata from the scan within 180 days, unless otherwise provided for in this chapter or by the department.

~~(13)~~*(14)* (a) Except as provided in subsection ~~(13)(b)~~ *(14)(b)*, licenses issued by the department under this chapter are nontransferable.

(b) A licensee may sell its marijuana business, including live plants, inventory, and material assets, to a person who is licensed by the department under the provisions of this chapter. The department may, in its discretion, issue a temporary license to the acquiring party to facilitate the transfer of the licensee's marijuana business.

~~(14)~~*(15)* A person who is not a controlling beneficial owner in a licensee may not receive or otherwise obtain an ownership interest in a licensee that results in the person becoming a controlling beneficial owner unless the licensee notifies, in writing, the department of the proposed transaction and the department determines that the person qualifies for ownership under the provisions of this chapter."

Section 2. Section 16-12-224, MCA, is amended to read:

"**16-12-224. Licensing of dispensaries.** (1) Except as provided in 16-12-201(2), an applicant for a dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(2) When evaluating an initial or renewal application, the department shall evaluate each proposed dispensary for compliance with the provisions of 16-12-207 and 16-12-210.

(3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.

(4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders marijuana, marijuana products, and live marijuana plants.

(5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana plants to consumers or registered cardholders.

(6) The department shall charge a dispensary license fee for an initial application and at each renewal. The dispensary license fee is $5,000 for each location that a licensee operates as an adult-use dispensary or a medical marijuana dispensary.

(7) The department may adopt rules:

(a) for inspection of proposed dispensaries;

(b) for investigating owners or applicants for a determination of financial interest; and

(c) establishing or limiting the THC content of the marijuana or marijuana products that may be sold at an adult-use dispensary or medical marijuana dispensary.

(8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(b) Except as provided in subsection ~~(8)(c)~~ *(8)(d)*, for purposes of this chapter, a single package is limited to:

(i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive THC of marijuana flower may not exceed 35%.

(ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule and no more than 800 milligrams of THC per package.

(iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;

(iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of THC. A single serving of an edible marijuana product may not exceed 10 milligrams of THC.

(v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and no more than 800 milligrams of THC per package;

(vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package; and

(vii) for any other marijuana product, no more than 800 milligrams of THC.

(c) There may be a deviation of 10% above or below the allowed amount under subsection (8)(b)(iv).

~~(c)~~*(d)* A dispensary may sell marijuana or marijuana products having higher THC potency levels than described in subsection (8) to registered cardholders.

(9) A licensee or employee is prohibited from conducting a transaction that would result in a consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-12-515."

Approved May 22, 2023

CHAPTER NO. 715

[HB 282]

AN ACT GENERALLY REVISING RENTAL LAWS; REVISING LAW FOR REFUSAL OF ACCESS; REVISING ACTION FOR POSSESSION PROCEDURE; REVISING REMEDIES; AMENDING SECTIONS 70-24-424, 70-24-427, 70-24-429, 70-33-424, 70-33-427, AND 70-33-429, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-24-424, MCA, is amended to read:

"**70-24-424. Refusal of access -- landlord's remedies.** (1) If the tenant refuses to allow lawful access, the landlord may ~~either~~ *issue a 24-hour notice*

to correct or obtain *immediate* injunctive relief to compel access ~~or terminate the rental agreement~~. In either case, the landlord may recover actual damages. *If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.*

(2) If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises and fails to provide a key as required by 70-24-312(5), the landlord may ~~either~~ *issue a 24-hour notice to correct or* obtain *immediate* injunctive relief ~~or terminate the rental agreement~~. *If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.*"

Section 2. Section 70-24-427, MCA, is amended to read:

"**70-24-427. Landlord's remedies after termination -- action for possession.** (1) If the rental agreement is terminated, the landlord has a claim for possession ~~and for~~, rent, and ~~a separate claim for~~ actual damages for any breach of the rental agreement.

(2) *(a)* ~~An~~ *Except as provided in subsection (2)(b), an* action filed pursuant to subsection (1) in a court must be heard within ~~14~~ *10 business* days after the tenant's appearance or the answer date stated in the summons, *except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons* ~~except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons~~. If the action is appealed to the district court, the hearing must be held within ~~14~~ *10 business* days after the case is transmitted to the district court, *except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the case is transmitted to the district court*; ~~except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5 business days after the case is transmitted to the district court~~.

(b) A hearing for damages for any breach of the rental agreement must be held within 45 days after the claim of possession and rent has been adjudicated.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the action ~~within 5 days after~~ *within 5 days after* the hearing. If a landlord's claim for possession is granted, the court shall issue a writ of possession and a writ of assistance immediately. The writ of assistance must be executed by the sheriff:

(a) within 5 business days of the sheriff receiving the writ of assistance, excluding of the date of receipt by the sheriff; or

(b) at a time no more than 5 business days after the sheriff receives the writ of assistance or as otherwise agreed to by the landlord and the sheriff."

Section 3. Section 70-24-429, MCA, is amended to read:

"**70-24-429. Holdover remedies -- consent to continued occupancy -- tenant's response to service in action for possession.** (1) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or its termination, the landlord may bring an action for possession.

(2) ~~If~~ *If the term is longer than month-to-month and the landlord terminates the rental agreement with cause and* the tenant's holdover is purposeful and not in good faith, the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

(3) If the term of the rental is month-to-month and the landlord terminates the rental agreement without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

~~(2)~~*(4)* In an action for possession or unlawful holdover, the provisions of *the Montana Justice and City Court Rules of Civil Procedure,* Title 25, chapter 23, apply, except that the time for filing an answer under Rule 4C(2)(b) is ~~10~~ *5 business* days after service of summons and complaint, exclusive of the date of service.

~~(3)~~*(5)* If the landlord consents to the tenant's continued occupancy, 70-24-201(2)(e) applies."

Section 4. Section 70-33-424, MCA, is amended to read:

"**70-33-424. Refusal of access -- landlord's remedies.** (1) If the tenant refuses to allow lawful access, the landlord may ~~either~~ *issue a 24-hour notice to correct or* obtain *immediate* injunctive relief to compel access ~~or terminate the rental agreement~~. In either case, the landlord may recover actual damages. *If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.*

(2) If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises and fails to provide a key as required by 70-33-312(5), the landlord may ~~either~~ *issue a 24-hour notice to correct or* obtain *immediate* injunctive relief ~~or terminate the rental agreement~~. *If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.*"

Section 5. Section 70-33-427, MCA, is amended to read:

"**70-33-427. Landlord's remedies after termination -- action for possession.** (1) If the rental agreement is terminated, the landlord has a claim for possession ~~and for~~, rent, and ~~a separate claim for~~ actual damages for any breach of the rental agreement.

(2) (a) ~~An~~ *Except as provided in subsection (2)(c), an* action filed pursuant to subsection (1) in a court must be heard within ~~20~~ *10 business* days after the tenant's appearance or the answer date stated in the summons, *except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons* ~~except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons~~.

(b) If the action is appealed to the district court, the hearing must be held within ~~20~~ *10 business* days after the case is transmitted to the district court, *except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the hearing must be held within 5 business days after the case is transmitted to district court*~~, except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the hearing must be held within 5 business days after the case is transmitted to the district court~~.

(c) A hearing for damages for any breach of the rental agreement must be held within 45 days after the claim of possessions and rent has been adjudicated.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the action ~~within 5 days after~~ *within 5 days after* the hearing. If a landlord's claim for possession is granted, the court shall issue a writ of possession *immediately*."

Section 6. Section 70-33-429, MCA, is amended to read:

"**70-33-429. Holdover remedies -- consent to continued occupancy.** (1) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or other termination of the rental agreement, the landlord may bring an action for possession.

(2) ~~If~~ *If the term is longer than month-to month and the landlord terminates the agreement with cause and* the tenant's holdover is purposeful and not in good faith, the landlord may recover an amount of not more than 3 months' rent or treble damages, whichever is greater.

(3) If the term of the rental is month-to-month and the landlord terminates the rental agreement without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

~~(2)~~*(3)* In an action for possession or unlawful holdover, the provisions of *the Montana Justice and City Court Rules of Civil Procedure,* Title 25, chapter 23, apply, except that the time for filing an answer under Rule 4C(2)(b) is ~~10~~ *5 business* days after service of summons and complaint, exclusive of the date of service.

~~(3)~~*(4)* If the landlord consents to the tenant's continued occupancy, 70-33-201(2)(e) applies."

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 716

[HB 317]

AN ACT ESTABLISHING THE MONTANA INDIAN CHILD WELFARE ACT; PROVIDING REQUIREMENTS FOR DETERMINING INDIAN STATUS AND INDIAN TRIBE; ESTABLISHING REQUIREMENTS FOR COURT PROCEEDINGS, EVIDENCE, AND CONSENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 40-6-405, 40-6-407, 40-6-413, 40-6-414, 40-6-1001, 40-7-135, 41-3-102, 41-3-103, 41-3-109, 41-3-128, 41-3-205, 41-3-301, 41-3-306, 41-3-307, 41-3-422, 41-3-423, 41-3-425, 41-3-427, 41-3-432, 41-3-437, 41-3-444, 41-3-609, 42-2-102, 42-2-604, 42-4-102, 42-4-103, 42-4-203, 42-4-209, 42-5-101, 42-5-107, 47-1-104, AND 52-2-117, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

WHEREAS, there is, at the present time, a court case before the United States Supreme Court known as Haaland v. Brackeen, No. 21-376, that has the potential to overturn or modify the Indian Child Welfare Act in its current form, and the Legislature seeks to provide guidance for Indian child protection cases in the interim as this case is decided. The Legislature does not expect this to be the final word on how we deal with Indian child welfare issues or how we seek to provide for all of Montana's children within the child protection system.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 18] may be cited as the "Montana Indian Child Welfare Act".

Section 2. Legislative findings -- purpose. (1) The legislature recognizes that in possibly no other area of concurrent tribal and state law is it more important that tribal sovereignty be respected than in an area as

socially and culturally determinative as family relationships. The legislature finds that the state is committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety, or welfare of the child, or the interests of the child's tribe.

(2) The legislature further finds that when placement away from the parent or Indian custodian is necessary for the Indian child's safety, the state is committed to a placement that reflects and honors the unique values of the Indian child's tribal culture and is best able to assist the Indian child in establishing, developing, and maintaining a political, cultural, social, and spiritual relationship with the Indian child's tribe and tribal community.

Section 3. Definitions. As used in [sections 1 through 18], the following definitions apply:

(1) "Active efforts" means affirmative, active, thorough, and timely efforts meeting the requirements of [section 12] that are intended primarily to maintain or reunite an Indian child with the child's family and that are tailored to the facts and circumstances of the case.

(2) "Adoptive placement" means the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

(3) (a) "Child custody proceeding" means any state or private proceeding, other than an emergency proceeding, that may culminate in a foster care placement, termination of parental rights, preadoptive placement, or adoptive placement.

(b) The term does not include a placement based on:

(i) an act that, if committed by an adult, would be considered a crime; or

(ii) an award, in a dissolution proceeding, of custody to one of the child's parents.

(4) "Court of competent jurisdiction" means a court that has jurisdiction over the relevant subject matter under federal, state, or tribal law.

(5) "Department" means the department of public health and human services provided for in 2-15-2201.

(6) "Foster care placement" means an action removing an Indian child from the child's parent or Indian custodian for temporary placement in a foster home or institution or with a relative, guardian, conservator, or suitable other person under which the parent or Indian custodian may not have the child returned on demand but parental rights have not been terminated.

(7) "Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as established in 43 U.S.C. 1606.

(8) "Indian child" means an unmarried Indian person who is under 18 years of age and who is:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(9) (a) "Indian child's family" or "extended family member" means an individual defined by the law or custom of the Indian child's tribe as a relative of the Indian child.

(b) If the Indian child's tribe does not identify family members by law or custom, the term means an adult who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, cousin, stepparent, or stepgrandparent. A stepparent or stepgrandparent may be considered a family member even following termination of the marriage.

(10) "Indian child's tribe" means a tribe or tribes in which an Indian child is a member or is determined eligible for membership as provided in [section 6 5].

(11) "Indian custodian" means an Indian person who under tribal law, tribal custom, or state law has legal or temporary physical custody of an Indian child or to whom the parent has transferred temporary care, physical custody, and control of the Indian child.

(12) (a) "Indian tribe" or "tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary of the interior because of their status as Indians.

(b) The term includes an Alaska Native village as defined in 43 U.S.C. 1602.

(13) "Member" or "membership" means a determination by an Indian tribe that an individual is a member of or eligible for membership in that Indian tribe.

(14) (a) "Parent" means a biological parent of an Indian child or an individual who has lawfully adopted an Indian child, including adoptions made as tribal customary adoptions.

(b) The term does not include an unwed father whose paternity has not been acknowledged or established under Title 40, chapter 6, part 1, or the applicable laws of another state.

(15) "Preadoptive placement" means the temporary placement of an Indian child in a foster home or institution after the termination of parental rights but before or in lieu of adoptive placement.

(16) "Termination of parental rights" means any action resulting in the termination of the parent-child relationship.

(17) "Tribal court" means a court or body vested by an Indian tribe with jurisdiction over child custody proceedings. The term includes but is not limited to a federal court of Indian offenses, a court established and operated under the code or custom of an Indian tribe, and an administrative body of an Indian tribe vested with authority over child custody proceedings.

Section 4. Determination of Indian status -- confidentiality of records. (1) (a) A party seeking the foster care placement of, termination of parental rights over, or adoption of a child shall use due diligence to determine whether the child is an Indian child. The inquiry must be made in consultation with:

(i) the child's parent or parents;

(ii) an individual who has custody of the child or with whom the child resides;

(iii) any other individual who reasonably may be expected to have information regarding the child's possible membership or eligibility for membership in an Indian tribe; and

(iv) any Indian tribe of which the child may be a member or may be eligible for membership. The consultation with a tribe must be made by contacting the tribe in writing.

(b) The inquiries required under this subsection (1) must be documented in the record.

(2) Preliminary contacts for the purpose of using due diligence to determine a child's possible Indian status do not constitute legal notice as required by [section 7].

(3) A court shall ask each participant in an emergency proceeding or voluntary or involuntary child custody proceeding whether the participant knows or has reason to know that the child is an Indian child. The inquiry must be made at the commencement of the proceeding and all responses must be on the record. The court shall instruct the parties to inform the court if they

subsequently receive information that provides reason to know the child is an Indian child.

(4) If there is reason to know the child is an Indian child but the court does not have sufficient evidence to determine that the child is or is not an Indian child, the court shall confirm, by way of a report, declaration, or testimony included in the record, that the department or other party used due diligence to identify and work with all tribes of which there is reason to know the child may be a member or eligible for membership to verify whether the child is a member or eligible for membership.

(5) A court, on conducting the inquiry required in subsection (3), has reason to know that a child involved in an emergency proceeding or child custody proceeding may be an Indian child if:

(a) any participant in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization, or agency informs the court that:

(i) the child is an Indian child; or

(ii) it has discovered information indicating that the child is an Indian child;

(b) the child who is the subject of the proceeding gives the court reason to know the child is an Indian child;

(c) the court is informed that the residence or domicile of the child, the child's parent, or the child's Indian custodian is on a reservation or in an Alaska Native village;

(d) the court is informed that the child is or has been a ward of a tribal court;

(e) the court is informed that either of the parents or the child possesses an identification card indicating membership in an Indian tribe; or

(f) the court determines from additional information provided that the child may be an Indian child.

(6) (a) When seeking verification of a child's Indian status during a voluntary proceeding, the court shall keep relevant documents pertaining to the inquiry confidential and under seal if a consenting parent expresses either orally or in writing a desire for anonymity. A request for anonymity does not relieve the court, agency, or other party from any duty of compliance with [sections 1 through 18], including the obligation to verify whether the child is an Indian child.

(b) A tribe receiving information related to an inquiry of a child's status as an Indian child must keep documents and information confidential.

(7) A written determination by an Indian tribe regarding the child's status as an Indian child is conclusive that the child is an Indian child.

Section 5. Determination of Indian tribe. (1) If the Indian child is a member of or eligible for membership in only one tribe, that tribe must be designated as the Indian child's tribe.

(2) If the Indian child meets the definition of Indian child through more than one tribe, deference must be given to the tribe in which the Indian child is already a member, unless otherwise agreed to by the tribes.

(3) (a) If the Indian child meets the definition of Indian child through more than one tribe because the child is a member in more than one tribe or the child is not a member of but is eligible for membership in more than one tribe, the court shall provide the opportunity in any involuntary child custody proceeding for the tribes to determine which tribe should be designated as the Indian child's tribe.

(b) If the tribes are able to reach an agreement, the court shall designate the agreed-on tribe as the Indian child's tribe.

(c) If the tribes are unable to reach an agreement, for the purposes of [sections 1 through 18] the court shall designate as the child's tribe the tribe

with which the child has the more significant contacts as the Indian child's tribe. In making the designation, the court shall consider:

(i) the preference of the parents for membership of the child;

(ii) the length of the child's past residence or domicile on or near the reservation of each tribe;

(iii) the tribal membership of the child's custodial parent or Indian custodian;

(iv) the interest asserted by each tribe in the child custody proceeding;

(v) whether there has been a previous adjudication with respect to the child by a court of one of the tribes; and

(vi) self-identification by the child, if the child is of sufficient age and capacity to meaningfully self-identify with a tribe.

(4) A determination of the Indian child's tribe for the purposes of [sections 1 through 18] does not constitute a determination for any other purpose.

Section 6. Jurisdiction -- transfer of jurisdiction. (1) An Indian tribe has exclusive jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of that tribe unless:

(a) the tribe has consented to the state's concurrent jurisdiction pursuant to Public Law 280 or 25 U.S.C. 1919;

(b) the tribe has expressly declined to exercise its exclusive jurisdiction; or

(c) the state is exercising emergency jurisdiction in compliance with [section 14].

(2) If an Indian child is already a ward of a tribal court at the start of the child custody proceeding, the Indian tribe may retain exclusive jurisdiction regardless of the residence or domicile of the child.

(3) Except as provided in subsection (5), in a child custody proceeding involving an Indian child who is not residing or domiciled within the reservation of the Indian child's tribe, the court shall, in the absence of good cause to the contrary, transfer the proceeding to the jurisdiction of the Indian child's tribe on the motion of any of the following:

(a) either of the Indian child's parents;

(b) the Indian child's Indian custodian; or

(c) the Indian child's tribe.

(4) If the Indian child's tribe has not formally intervened, the moving party shall serve a copy of the motion and all supporting documents on the tribal court to which the moving party seeks transfer.

(5) If either of the Indian child's parents objects to transfer of the proceeding to the Indian child's tribe, the court may not transfer the proceeding.

(6) (a) If a state court believes or any party asserts that good cause to deny transfer exists, the reasons for that belief or assertion must be provided orally or in writing on the record and to the parties to the child custody proceeding. Any party to the child custody proceeding must have the opportunity to provide the court with the reasons that good cause exists to deny transfer of the proceeding.

(b) In determining whether good cause exists, the court may not consider:

(i) whether the child custody proceeding is at an advanced stage;

(ii) whether there have been prior proceedings involving the child for which no petition to transfer was filed;

(iii) whether transfer could affect the placement of the child;

(iv) the child's cultural connections with the tribe or its reservation; or

(v) socioeconomic conditions or any negative perception of the tribal or bureau of Indian affairs social services or judicial systems.

(c) If the court denies transfer of jurisdiction, the court shall state its reasons for the denial orally on the record or in a written order.

(7) (a) Following entry of an order transferring jurisdiction to the Indian child's tribe and pending receipt of a tribal court order accepting jurisdiction, the state court:

(i) may conduct additional hearings and enter orders that are in the best interests of the child and strictly comply with the requirements of the federal Indian Child Welfare Act and [sections 1 through 18]; and

(ii) may not enter a final order in a child custody proceeding, except an order dismissing the proceeding and returning the Indian child to the care of the parent or Indian custodian from whose care the child was removed.

(b) On receipt of an order from a tribal court accepting jurisdiction, the court shall:

(i) dismiss the child custody proceeding with prejudice; and

(ii) expeditiously provide the tribal court with all records related to the proceeding, including but not limited to the pleadings and any court record. The state court shall work with the tribal court to ensure the transfer of the custody of the Indian child and the proceeding is accomplished smoothly and in a way that minimizes the disruption of services to the family.

(8) If the Indian child's tribe accepts jurisdiction, the state court shall enter an order relieving the office of the state public defender and any public defender assigned pursuant to 41-3-425 and 47-1-104 from further representation.

(9) If the Indian child's tribe declines jurisdiction, the state court shall enter an order vacating the order transferring jurisdiction and proceed with adjudication of the child custody proceeding in compliance with the federal Indian Child Welfare Act, [sections 1 through 18], and any applicable state-tribal agreement.

Section 7. Notice. (1) The petitioning party shall provide notice of the initial petition filed in an involuntary child custody proceeding and a petition seeking termination of parental rights when the petitioning party knows or has reason to know that the child is or may be an Indian child. Notice must be provided as required in subsection (2) to:

(a) the Indian child's parent or Indian custodian; and

(b) the child's tribe or tribes.

(2) (a) Notice to the tribe must be made by certified mail, return receipt requested, and must meet the requirements of subsection (4). The notice must be sent to the person designated in the most current Federal Register as the designated tribal agent for service of notice for the purposes of the federal Indian Child Welfare Act. The petitioning party shall file the return receipt with the court as proof of notice.

(b) Notice to the parent or Indian custodian must be made by personal service, or alternative means as provided in 41-3-422 if personal service cannot be accomplished, and must meet the requirements of subsection (4).

(c) If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the notice must be given to the secretary of the U.S. department of the interior by certified mail, return receipt requested, in accordance with the provisions of 25 CFR, part 23.

(d) Service of all other petitions, other than the initial petition and a petition for termination of parental rights, must be served on the tribe by first-class mail unless otherwise directed by the tribe's designated agent for notice.

(e) When notice of the initial petition and a petition for termination of parental rights to the parent or Indian custodian is required under this subsection (2), personal service, and alternative means of personal service

when personal service cannot be accomplished, as provided in 41-3-422, takes the place of certified mail with return receipt requested.

(3) A foster care placement or a termination of parental rights proceeding may not be held until at least 10 days after receipt of the notice by the parent or Indian custodian, the tribe, and, if applicable, the secretary. The parent, Indian custodian, or tribe shall, on request, be granted up to 20 additional days to prepare for the proceeding. The 10-day notice requirement does not limit a court's ability to hold an emergency protective services hearing pursuant to 41-3-306.

(4) Notice provided under this section must be in clear and understandable language and include the following:

(a) the child's name, date of birth, and place of birth;

(b) all known names of the child's parents, including maiden, married, and former names or aliases;

(c) the parents' dates of birth, places of birth, and tribal enrollment numbers, if known;

(d) the names, dates of birth, places of birth, and tribal enrollment information of other direct lineal ancestors of the child, if known;

(e) the name of each Indian tribe in which the child is a member or may be eligible for membership if a biological parent is a member; and

(f) a copy of the petition, complaint, or other document by which the child custody proceeding was initiated and, if a hearing has been scheduled, information on the date, time, and location of the hearing.

Section 8. Full faith and credit. The state shall give full faith and credit to the public acts, records, judicial proceedings, and judgments of any Indian tribe that are applicable to Indian child custody proceedings.

Section 9. Right to counsel. In a child custody proceeding under [sections 1 through 18] in which the court determines that the Indian child's parent or Indian custodian is indigent, the parent or Indian custodian has the right to court-appointed counsel. The court may, in its discretion, appoint counsel for the Indian child pursuant to 41-3-425.

Section 10. Right of access to evidence. Each party to a child custody proceeding involving an Indian child has the right to examine all reports or other documents filed with the court on which any decision with respect to the proceeding may be based.

Section 11. Qualified expert witness -- requirements -- prohibitions. (1) A qualified expert witness is an individual who provides testimony in a child custody proceeding under [sections 1 through 18]. The purpose of the testimony is to assist a court in determining whether the continued custody of the child by or the return of the child to the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The parties may not waive the requirement for the qualified expert witness testimony.

(2) The petitioning party shall consult with the Indian child's tribe on the selection of the qualified expert witness, including asking whether the tribe has a list of preferred qualified expert witnesses. To the extent possible, the petitioning party shall use an individual preferred by the tribe.

(3) A qualified expert witness must be qualified to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child and must be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe.

(4) (a) If the petitioner is the department, the child protection specialist assigned to the case and the child protection specialist's supervisor may not testify as qualified expert witnesses in the case.

(b) Nothing in this subsection (4) may be construed as barring:

(i) the child protection specialist or the child protection specialist's supervisor from testifying as an expert witness for other purposes in a proceeding under [sections 1 through 18]; or

(ii) the petitioner or another party in a proceeding under [sections 1 through 18] from providing additional witnesses or expert testimony, subject to the approval of the court, on any issue before the court, including the determination of whether the continued custody of the Indian child by or return of the Indian child to the parent, parents, or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

Section 12. Active efforts. (1) Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under state law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that the efforts have proven unsuccessful.

(2) The court shall make written findings that the petitioning party has provided active efforts and the efforts must be documented in detail in the record.

(3) If the department is involved in the child custody proceeding, active efforts must include assisting the parent, parents, or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan.

(4) (a) To the maximum extent possible, active efforts must be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe. Active efforts are to be tailored to the facts and circumstances of the case and may include but are not limited to:

(i) conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;

(ii) identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining the services;

(iii) identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues;

(iv) conducting or causing to be conducted a diligent search for the Indian child's extended family members and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child's parents;

(v) offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child's tribe;

(vi) taking steps to keep siblings together whenever possible;

(vii) supporting regular visits with parents or Indian custodians in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child;

(viii) identifying community resources, including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the child's parents or, when appropriate, the child's family, in accessing and using the resources;

(ix) monitoring progress and participation in services;

(x) considering alternative ways to address the needs of the Indian child's parents and, when appropriate, the family, if the optimum services do not exist or are not available; and

(xi) providing postreunification services and monitoring.

(b) Referral to a service or program does not constitute an active effort if the referral was the sole action taken.

Section 13. Evidentiary requirements. (1) A court may not order a foster care placement of an Indian child unless:

(a) the petitioning party has provided clear and convincing evidence that active efforts were made to provide remedial services and rehabilitative programs to prevent the breakup of an Indian family and that the efforts were unsuccessful; and

(b) clear and convincing evidence is presented, including the testimony of one or more qualified expert witnesses, to demonstrate that continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(2) The court may not terminate parental rights of the parents of an Indian child unless evidence beyond a reasonable doubt is presented that:

(a) active efforts were made to prevent the breakup of the Indian family and the efforts were unsuccessful; and

(b) continued custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The evidence must include testimony of one or more qualified expert witnesses.

(3) (a) Evidence required under this section must show a causal relationship between the specific conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the child who is the subject of the child custody proceeding.

(b) Evidence showing only the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior does not by itself constitute clear and convincing evidence or evidence beyond a reasonable doubt that continued custody is likely to result in serious emotional or physical damage to the child.

Section 14. Emergency removal of Indian child. (1) Nothing in [sections 1 through 18] may be construed to prevent the department from removing an Indian child from the Indian child's parent or Indian custodian or prevent the emergency placement of the Indian child in a foster home, under applicable state law, to prevent imminent physical damage or harm to the Indian child.

(2) An emergency removal or placement of an Indian child under state law must terminate immediately when the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child.

(3) A state court shall:

(a) make a finding on the record that the emergency removal or placement is necessary to prevent imminent physical damage or harm to the child;

(b) promptly hold a hearing on whether the emergency removal or placement continues to be necessary whenever new information indicates that the emergency situation has ended;

(c) at any court hearing during the emergency proceeding, determine whether the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child; and

(d) immediately terminate or direct the department to terminate the emergency removal if the court or department possesses sufficient evidence to

determine that the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child.

(4) An emergency proceeding may be terminated by any of the following actions:

(a) initiation of a child custody proceeding subject to the provisions of the federal Indian Child Welfare Act and [sections 1 through 18];

(b) transfer of the child to the jurisdiction of the appropriate Indian tribe; or

(c) restoring the child to the parent or Indian custodian.

(5) A petition for a court order authorizing the emergency removal or placement, or its accompanying documents, must contain a statement of the risk of imminent physical damage or harm to the Indian child, any evidence that the emergency removal or placement continues to be necessary to prevent the damage or harm, and if available:

(a) the full name, age, and last known address of the Indian child;

(b) the name and address of the child's parents and Indian custodians, if any;

(c) the steps taken to provide notice to the child's parents, Indian custodians, and tribe about the emergency proceeding;

(d) if the child's and Indian custodians are unknown, a detailed explanation of the efforts made to locate and contact the individuals, including contact with the appropriate bureau of Indian affairs regional director;

(e) the residence or the domicile of the Indian child;

(f) if either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska Native village, the name of the tribe affiliated with that reservation or village;

(g) the tribal affiliation of the child and of the parents or Indian custodians;

(h) a specific and detailed account of the circumstances that led the agency responsible for the emergency removal of the child to remove the child;

(i) if the child is believed to reside or be domiciled on a reservation where the tribe exercises exclusive jurisdiction over child custody matters, a statement of the efforts made and being made to contact the tribe and transfer the child to the tribe's jurisdiction; and

(j) a statement of the efforts made to assist the parents or Indian custodians so the Indian child may be safely returned to the parents or Indian custodians.

(6) Contact made to provide notice of an emergency removal and reported pursuant to subsection (5)(c) does not constitute the notice required under [section 7] for the purposes of subsequent dependency, termination of parental rights, or adoption proceedings.

(7) An emergency proceeding regarding an Indian child may not be continued for more than 30 days unless the court determines that:

(a) restoring the child to the parent or Indian custodian would subject the child to imminent physical damage or harm;

(b) the court has been unable to transfer the proceeding to the jurisdiction of the appropriate Indian tribe; and

(c) it has not been possible to initiate a child custody proceeding.

Section 15. Consent. (1) At an involuntary foster care placement hearing, a stipulation or consent by the parent or Indian custodian is not valid unless the court certifies on the record that the terms and consequences of the stipulation or consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall certify on the record that the parent or Indian custodian fully understood the explanation in English or that the explanation was translated into a language that the parent or Indian custodian understood.

(2) In a voluntary proceeding for foster care placement or termination of parental rights, consent by a parent or Indian custodian is not valid unless the consent is:

(a) executed in writing and recorded before a judge of a court of competent jurisdiction; and

(b) accompanied by the judge's written certificate that:

(i) the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian; and

(ii) the parent or Indian custodian fully understood the explanation in English or that the explanation was translated into a language that the parent or Indian custodian understood.

(3) Voluntary consent for release of custody given prior to or within 10 days after the birth of an Indian child may not be considered valid.

(4) An Indian child's parent or Indian custodian may withdraw consent to a voluntary foster care placement at any time. On withdrawal of consent, the Indian child must be returned to the parent or Indian custodian.

(5) In a voluntary proceeding for termination of parental rights to or adoptive placement of an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of an order terminating parental rights or a final decree of adoption, and the Indian child must be returned to the parent.

(6) (a) After the entry of a final decree of adoption of an Indian child, the parent may withdraw consent to the adoption on the grounds that consent was obtained through fraud or duress. On a finding that consent was obtained through fraud or duress, the court shall vacate the decree and return the Indian child to the parent.

(b) An adoption that has been effective for at least 2 years may not be invalidated under this section unless otherwise allowed by law.

Section 16. Improper removal of Indian child. If a petitioner in a child custody proceeding under [sections 1 through 18] has improperly removed an Indian child from the custody of the parent or Indian custodian or has improperly retained custody after a visit or other temporary relinquishment of custody, the court shall decline jurisdiction over the petition and shall immediately return the Indian child to the parent or Indian custodian unless returning the Indian child to the parent or Indian custodian would subject the Indian child to substantial and immediate danger or threat of substantial or immediate danger.

Section 17. Removal of Indian child from adoptive or foster care placement. (1) If a final decree of adoption of an Indian child has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights to the Indian child, the biological parent or prior Indian custodian may petition to have the Indian child returned to the custody of the parent or Indian custodian. The court shall grant the request unless there is a showing by clear and convincing evidence that return of custody to the biological parent or Indian custodian is not in the best interests of the child.

(2) If an Indian child is removed from a foster care placement or a preadoptive or adoptive home for the purposes of further foster care or a preadoptive or adoptive placement, the placement must be made in accordance with [sections 1 through 18] unless an Indian child is being returned to the parent or Indian custodian from whose custody the child was originally removed.

Section 18. Placement preferences. (1) When an emergency removal, foster care placement, or preadoptive placement of an Indian child is necessary, the petitioning party shall, in the absence of good cause to the contrary, place the Indian child in the least restrictive setting that:

(a) most closely approximates a family situation;

(b) is in reasonable proximity to the Indian child's home; and

(c) allows for the Indian child's special needs, if any, to be met.

(2) In a foster care or preadoptive placement, preference must be given, in the absence of good cause to the contrary, to the Indian child's placement with one of the following, in descending order of priority:

(a) an Indian child's extended family member;

(b) a foster home licensed, approved, or specified by the Indian child's tribe;

(c) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

(d) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.

(3) In the absence of good cause to the contrary, in an adoptive or other permanent placement of an Indian child, preference must be given to a placement with one of the following, in descending order of priority:

(a) extended family members;

(b) an Indian family of the same tribe as the Indian child;

(c) another Indian family.

(4) Notwithstanding the placement preferences listed in subsections (2) and (3), if a different order of placement preference is established by the Indian child's tribe, the court or agency implementing the placement shall follow the order of preference established by the tribe if the placement is in the least restrictive setting appropriate to the particular needs of the Indian child and within reasonable proximity to the child's home.

(5) When appropriate, the preference of the Indian child or the child's parent must be considered by the court.

(6) The standards to be applied in meeting the preference requirements of this section must be the prevailing social and cultural standards of the Indian community in which the parent or extended family members of an Indian child reside or with which the parent or extended family members maintain social and cultural ties.

(7) Nothing in this section prevents the department or the court from placing an Indian child with a parent to effectuate a permanency plan regardless of the parent's relationship to the Indian child's tribe.

(8) (a) If any party asserts that good cause to not follow the placement preferences exists, the reasons for that belief or assertion must be stated orally on the record or provided in writing to the parties to the child custody proceeding and the court.

(b) The party seeking departure from the placement preferences bears the burden of proving by clear and convincing evidence that there is good cause to depart from the placement preferences.

(c) A court's determination of good cause to depart from the placement preferences must be made on the record or in writing and must be based on one or more of the following considerations:

(i) the request of one or both of the Indian child's parents on attestation that they have reviewed the placement options, if any, that comply with the order of preference provided for in subsections (2) and (3);

(ii) the request of the child, if the child is of sufficient age and capacity to understand the decision that is being made;

(iii) the presence of a sibling attachment that can be maintained only through a particular placement;

(iv) the extraordinary physical, mental, or emotional needs of the Indian child, including but not limited to specialized treatment services that may

be unavailable in the community where families who meet the placement preferences live; or

(v) the unavailability of a suitable placement after a determination by the court that a diligent search was conducted to find suitable placements meeting the preference criteria, but no suitable placement was found. For the purposes of this analysis, the standards for determining whether a placement is unavailable must conform to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(d) A placement may not depart from the preferences based on the socioeconomic status of any placement relative to another placement.

Section 19. Section 40-6-405, MCA, is amended to read:

"**40-6-405. Surrender of newborn to emergency services provider -- temporary protective custody.** (1) If a parent surrenders an infant who may be a newborn to an emergency services provider, the emergency services provider shall comply with the requirements of this section under the assumption that the infant is a newborn. The emergency services provider shall, without a court order, immediately accept the newborn, taking the newborn into temporary protective custody, and shall take action necessary to protect the physical health and safety of the newborn.

(2) The emergency services provider shall make a reasonable effort to do all of the following:

(a) if possible, inform the parent that by surrendering the newborn, the parent is releasing the newborn to the department to be placed for adoption according to law;

(b) if possible, inform the parent that the parent has 60 days to petition the court to regain custody of the newborn;

(c) if possible, ascertain whether the newborn has a tribal affiliation and, if so, ascertain relevant information pertaining to any Indian heritage of the newborn;

(d) provide the parent with written material approved by or produced by the department, which includes but is not limited to all of the following statements:

(i) by surrendering the newborn, the parent is releasing the newborn to the department to be placed for adoption and the department shall initiate court proceedings according to law to place the newborn for adoption, including proceedings to terminate parental rights;

(ii) the parent has 60 days after surrendering the newborn to petition the court to regain custody of the newborn;

(iii) the parent may not receive personal notice of the court proceedings begun by the department;

(iv) information that the parent provides to an emergency services provider will not be made public;

(v) a parent may contact the department for more information and counseling; and

(vi) any Indian heritage of the newborn brings the newborn within the jurisdiction of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, and [sections 1 through 18]*.

(3) After providing a parent with the information described in subsection (1), if possible, an emergency services provider shall make a reasonable effort to:

(a) encourage the parent to provide any relevant family or medical information, including information regarding any tribal affiliation;

(b) provide the parent with information that the parent may receive counseling or medical attention;

(c) inform the parent that information that the parent provides will not be made public;

(d) ask the parent for the parent's name;

(e) inform the parent that in order to place the newborn for adoption, the state is required to make a reasonable attempt to identify the other parent and to obtain relevant medical family history and then ask the parent to identify the other parent;

(f) inform the parent that the department can provide confidential services to the parent; and

(g) inform the parent that the parent may sign a relinquishment for the newborn to be used at a hearing to terminate parental rights."

Section 20. Section 40-6-407, MCA, is amended to read:

"**40-6-407. Assumption of care, custody, and control by department -- placement of child -- presumptions -- Montana birth certificate.** (1) Upon receipt of notice under 40-6-406, the department shall:

(a) immediately assume the care, control, and temporary protective custody of the newborn;

(b) if a parent is known and willing, immediately meet with the parent;

(c) make a temporary placement of the newborn;

(d) immediately request assistance from law enforcement officials to investigate and determine, through the national center for missing and exploited children and any other national and state missing children information programs, whether the newborn is a missing child;

(e) not later than 48 hours after assuming the care, control, and temporary protective custody of the newborn, file a petition with the court under the provisions of Title 41, chapter 3, part 4*, and, if applicable, [sections 1 through 18]*, requesting appropriate relief with the goal of achieving permanent placement for the newborn at the earliest possible date; and

(f) within 30 days, make reasonable efforts to identify and locate a parent who did not surrender the newborn. If the identity and address of that parent are unknown, the department shall provide notice by publication in a newspaper of general circulation in the county where the newborn was surrendered.

(2) The department, after assuming the care, custody, and control of a newborn under subsection (1), is not required to attempt to reunify the newborn with the newborn's parents. The department is not required to search for relatives of the newborn as a placement or permanency option or to implement other placement requirements that give preference to relatives if the department does not have information as to the identity of the newborn or either of the newborn's parents. The department shall place the newborn with prospective adoptive parents as soon as possible. The adoptive parents must be allowed access to information regarding the newborn's medical history, date of birth, or age if the department has that information.

(3) A newborn surrendered under 40-6-405 is presumed to have been born in Montana unless the biological parent otherwise informs the department or the emergency services provider to whom the newborn is surrendered.

(4) A Montana birth certificate may be issued based on the presumption of birth in Montana as provided in subsection (3). A birth certificate issued to a newborn surrendered under 40-6-405 must provide a date of birth based on either the actual date of birth, if known, or on the date of birth determined by the physician who performs the medical examination of the newborn under 40-6-406."

Section 21. Section 40-6-413, MCA, is amended to read:

"**40-6-413. Custody action -- order.** Based on the court's finding of the newborn's best interest under 40-6-412, the court may issue an order:

(1) granting legal or physical custody, or both, of the newborn to the parent and either retaining or relinquishing jurisdiction; or

(2) denying custody of the newborn to the parent and referring the matter to the department or county attorney for proceedings under Title 41, chapter 3*, and, if applicable, [sections 1 through 18]*."

Section 22. Section 40-6-414, MCA, is amended to read:

"**40-6-414. Presumption of waiver of parental rights -- department to file petition.** (1) ~~A~~ *Except as provided in [section 15], a* parent who surrenders a newborn under 40-6-405 and who does not file a custody action under 40-6-411 is presumed to have knowingly waived the parent's parental rights to the newborn.

(2) If a custody action is not filed under 40-6-411 or if the parent is denied custody of the newborn under 40-6-413, the department shall file a petition under Title 41, chapter 3, part 4, *or, if applicable, [sections 1 through 18],* requesting appropriate relief with the goal of achieving permanent placement for the newborn at the earliest possible date."

Section 23. Section 40-6-1001, MCA, is amended to read:

"**40-6-1001. Petition for termination -- criteria -- process.** (1) A district court may order a termination of the parent-child legal relationship after the filing of a petition pursuant to this section alleging the factual grounds for termination as provided for in subsection (2).

(2) Grounds for termination pursuant to this section exist when the parent of a child:

(a) is convicted of a felony in which sexual intercourse occurred or is a minor adjudicated a delinquent youth because of an act that, if committed by an adult, would be a felony in which sexual intercourse occurred and, as a result of the sexual intercourse, the child is born; or

(b) at a fact-finding hearing is found by clear and convincing evidence, except as provided in the federal Indian Child Welfare Act *and [sections 1 through 18]*, if applicable, to have committed an act of sexual intercourse without consent, sexual assault, or incest that caused the child to be conceived.

(3) The court's order must state the reasons for the decision.

(4) The victim of the crime or act may file a petition pursuant to this section. If the victim is a minor, the victim's parent or guardian may file a petition on the victim's behalf.

(5) The respondent to the petition has the right to counsel in all proceedings held pursuant to the petition.

(6) Before termination of the parent-child legal relationship may be ordered, the court shall determine whether the provisions of 40-6-1002 and 40-6-1003 have been followed.

(7) There is no right to a jury trial at proceedings held to consider the termination of a parent-child legal relationship.

(8) (a) An order for the termination of the parent-child legal relationship divests the child and the parent of all legal rights, powers, immunities, duties, and obligations with respect to each other as provided in Title 40, chapter 6, part 2, and Title 41, chapter 3, part 2, except:

(i) the right of the child to inherit from the parent; and

(ii) that nothing in this section may be construed to relieve the parent whose rights are terminated as provided in this part of any child support obligations as provided in Title 40, chapters 4 and 5.

(b) An order or decree entered pursuant to this part may not disentitle a child to any benefit due to the child from a third person, including but not limited to an Indian tribe, an agency, a state, or the United States."

Section 24. Section 40-7-135, MCA, is amended to read:

"**40-7-135. Application to Indian tribes.** (1) A child custody proceeding that pertains to an Indian child as defined in the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq., *or [section 3]* is not subject to this chapter to the extent that it is governed by the *federal* Indian Child Welfare Act *or [sections 1 through 18]*.

(2) A court of this state shall treat a tribe as if it were a state of the United States for the purpose of applying 40-7-101, 40-7-103, 40-7-105 through 40-7-110, 40-7-112, 40-7-119, 40-7-125, 40-7-134 through 40-7-140, and part 2 of this chapter.

(3) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under part 3 of this chapter."

Section 25. Section 41-3-102, MCA, is amended to read:

"**41-3-102. Definitions.** As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial

authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act ~~is~~ *or [sections 1 through 18] are* applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.

(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.

(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(10) "Department" means the department of public health and human services provided for in 2-15-2201.

(11) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(12) "Indian child" ~~means any unmarried person who is under 18 years of age and who is either:~~

~~(a) a member of an Indian tribe; or~~

~~(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe~~ *has the meaning provided in [section 3].*

(13) "Indian child's tribe" ~~means:~~

~~(a) the Indian tribe in which an Indian child is a member or eligible for membership; or~~

~~(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts~~ *has the meaning provided in [section 3].*

(14) "Indian custodian" ~~means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom~~

~~temporary physical care, custody, and control have been transferred by the child's parent~~ *has the meaning provided in [section 3].*

(15) "Indian tribe" ~~means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:~~

~~(a) the state of Montana; or~~

~~(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law~~ *has the meaning provided in [section 3].*

(16) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(17) "Parent" means a biological or adoptive parent or stepparent.

(18) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(19) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(20) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(21) "Physical neglect" means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

(22) (a) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(ii) commits or allows sexual abuse or exploitation of the child;

(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare;

(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(v) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or

(vi) abandons the child.

(b) The term does not include a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(23) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(24) (a) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.

(b) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(25) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act *or [sections 1 through 18]* means*:*~~:~~

~~(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;~~

~~(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or~~

~~(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general~~

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to a family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(26) "Qualified individual" means a trained professional or licensed clinician who:

(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;

(b) is not an employee of the department; and

(c) is not connected to or affiliated with any placement setting in which children are placed.

(27) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(28) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(29) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child's safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

(30) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(31) "Sexual exploitation" means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sexual servitude as described in 45-5-704 or 45-5-705.

(32) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:

(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and

(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.

(33) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

(34) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (34), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(35) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Section 26. Section 41-3-103, MCA, is amended to read:

"**41-3-103. Jurisdiction and venue.** (1) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, in all matters arising under this chapter, a person is subject to a proceeding under this chapter and the district court has jurisdiction over:

(a) a youth who is within the state of Montana for any purpose;

(b) a youth or other person subject to this chapter who under a temporary or permanent order of the court has voluntarily or involuntarily left the state or the jurisdiction of the court;

(c) a person who is alleged to have abused or neglected a youth who is in the state of Montana for any purpose;

(d) a youth or youth's parent or guardian who resides in Montana;

(e) a youth or youth's parent or guardian who resided in Montana within 180 days before the filing of a petition under this chapter if the alleged abuse and neglect is alleged to have occurred in whole or in part in Montana.

(2) Venue is proper in the county where a youth is located or has resided within 180 days before the filing of a petition under this part or a county where the youth's parent or guardian resides or has resided within 180 days before the filing of a petition under this part."

Section 27. Section 41-3-109, MCA, is amended to read:

"**41-3-109. Proceedings subject to Indian Child Welfare ~~Act~~ *Acts.*** If a proceeding under this chapter involves an Indian child, as defined in the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq., *or [section 3],* the proceeding is subject to the *federal* Indian Child Welfare Act *and [sections 1 through 18]*."

Section 28. Section 41-3-128, MCA, is amended to read:

"**41-3-128. Certificate requirements -- supervision -- fees.** (1) An applicant for certification as a child protection specialist shall:

(a) successfully complete a course in child protection, as defined by the department by rule, which must include training in:

(i) ethics;

(ii) governing statutory and regulatory framework;

(iii) role of law enforcement;

(iv) crisis intervention techniques;

(v) childhood trauma research;

(vi) evidence-based practices for family preservation and strengthening; and

(vii) the provisions of the *federal* Indian Child Welfare Act, 25 U.S.C. 1902, et seq.*, and [sections 1 through 18]*; and

(b) demonstrate the applicant's ability to perform all essential functions of the certified child protection role by earning a passing score on a competency examination developed pursuant to 41-3-130.

(2) As a prerequisite to the issuance of a certificate, the department shall require the applicant to submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(3) An applicant who has a history of criminal convictions has the opportunity to demonstrate to the department that the applicant is sufficiently rehabilitated to warrant the public trust. The department may deny the certificate if it determines that the applicant is not sufficiently rehabilitated."

Section 29. Section 41-3-205, MCA, is amended to read:

"**41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family engagement meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children posed by the person about whom the information is sought, as determined by the department.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act *or [sections 1 through 18]*;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a child protection specialist, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records.

(b) Records disclosed pursuant to subsection (4)(a) are confidential, must be made available for the member to view but may not be copied, recorded, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost."

Section 30. Section 41-3-301, MCA, is amended to read:

" **41-3-301. (Temporary) Emergency protective service.** (1) Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection must:

(a) include the reason for removal;

(b) include information regarding the option for an emergency protective services hearing within 5 days under 41-3-306, the required show cause hearing within 20 days, and the purpose of the hearings;

(c) provide contact information for the child protection specialist, the child protection specialist's supervisor, and the office of state public defender; and

(d) advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

(i) has the right to receive a copy of the affidavit as provided in subsection (6);

(ii) has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show cause hearing, including providing statements to the judge;

(iii) may have a support person present during any in-person meeting with the child protection specialist concerning emergency protective services; and

(iv) may request that the child be placed in a kinship foster home as defined in 52-2-602.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the parents or guardian, if possible, within 2 working days of the emergency removal. An abuse and neglect petition must be filed within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)

41-3-301. (Effective July 1, 2023) Emergency protective service. (1) Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection must:

(a) include the reason for removal;

(b) include information regarding the emergency protective services and show cause hearings and the purpose of the hearings; and

(c) advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person may have a support person present during any in-person meeting with the child protection specialist concerning emergency protective services.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that

the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the parents or guardian, if possible, within 2 working days of the emergency removal. An abuse and neglect petition must be filed in accordance with 41-3-422 within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing."

Section 31. Section 41-3-306, MCA, is amended to read:

"**41-3-306. (Temporary) Emergency protective services hearing on request -- exceptions.** (1) (a) If requested by the parents, parent, guardian, or other person having physical or legal custody of a child removed from the home pursuant to 41-3-301, a district court shall hold an emergency protective

services hearing within 5 business days of the child's removal to determine whether to continue the removal beyond 5 business days.

(b) The department shall provide notification of the option for the hearing as required under 41-3-301.

(c) A hearing is not required if the child is released prior to the time of the requested hearing.

(2) The hearing may be held in person, by videoconference, or, if no other means are available, by telephone.

(3) The child and the child's parents, parent, guardian, or other person having physical or legal custody of the child must be represented by counsel at the hearing.

(4) If the court determines that continued out-of-home placement is needed, the court shall:

(a) establish guidelines for visitation by the parents, parent, guardian, or other person having physical or legal custody of the child pending the show cause hearing; and

(b) review the availability of options for a kinship placement and make recommendations if appropriate.

(5) The court may direct the department to develop and implement a treatment plan before the show cause hearing if the parents, parent, guardian, or other person having physical or legal custody of the child stipulates to a condition subject to a treatment plan and agrees to immediately comply with the treatment plan if a plan is developed.

(6) If the court determines continued removal is not appropriate, the child must be immediately returned to the parents, parent, guardian, or other person having physical or legal custody of the child.

(7) This section does not apply:

(a) in judicial districts that are holding voluntary prehearing conferences pursuant to 41-3-307; or

(b) to cases involving an Indian child who is subject to the *federal* Indian Child Welfare Act.

(8) The emergency protective services hearing is an emergency proceeding for the purposes of [sections 1 through 18] and is not subject to the notice requirements of [sections 1 through 18]. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)

41-3-306. (Effective July 1, 2023) Emergency protective services hearing -- exception. (1) (a) A district court shall hold a hearing within 5 business days of a child's removal from the home pursuant to 41-3-301 to determine whether there is probable cause to continue the removal beyond 5 business days.

(b) The department shall provide notification of the hearing as required under 41-3-301.

(c) A hearing is not required if the child is released prior to the time of the required hearing.

(2) The hearing may be held in person, by videoconference, or, if no other means are available, by telephone.

(3) The child and the child's parents, parent, guardian, or other person having physical or legal custody of the child must be represented by counsel at the hearing.

(4) If the court determines that continued out-of-home placement is needed, the court shall:

(a) establish guidelines for visitation by the parents, parent, guardian, or other person having physical or legal custody of the child pending the show cause hearing; and

(b) review the availability of options for a kinship placement and make recommendations if appropriate.

(5) The court may direct the department to develop and implement a treatment plan before the show cause hearing if the parents, parent, guardian or other person having physical or legal custody of the child stipulates to a condition subject to a treatment plan and agrees to immediately comply with the treatment plan if a plan is developed.

(6) If the court determines continued removal is not appropriate, the child must be immediately returned to the parents, parent, guardian, or other person having physical or legal custody of the child.

(7) This section does not apply to cases involving an Indian child who is subject to the *federal* Indian Child Welfare Act.

(8) The emergency protective services hearing is an emergency proceeding for the purposes of [sections 1 through 18] and is not subject to the notice requirements of [sections 1 through 18]."

Section 32. Section 41-3-307, MCA, is amended to read:

"**41-3-307. (Temporary) Voluntary prehearing conferences -- pilot project counties.** (1) The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within 5 days of the child's removal and before a show cause hearing held by the court if the court is participating in a pilot project testing the effectiveness of prehearing conferences.

(2) A prehearing conference may be held under this section only if it involves:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child;

(b) the person's legal counsel;

(c) the county attorney's office; and

(d) a department social worker.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family.

(5) This section does not apply to cases involving an Indian child who is subject to the *federal* Indian Child Welfare Act *or [sections 1 through 18]*.

(6) This section applies to a district court participating in the prehearing conference pilot project funded by the court improvement program on May 14, 2021, and to any district court in a rural county or multicounty district that chooses to hold conferences in accordance with this section on or after that date. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)"

Section 33. Section 41-3-422, MCA, is amended to read:

"**41-3-422. Abuse and neglect petitions -- burden of proof.** (1) (a) Proceedings under this chapter must be initiated by the filing of a petition. A petition may request the following relief:

(i) immediate protection and emergency protective services, as provided in 41-3-427;

(ii) temporary investigative authority, as provided in 41-3-433;

(iii) temporary legal custody, as provided in 41-3-442;

(iv) long-term custody, as provided in 41-3-445;

(v) termination of the parent-child legal relationship, as provided in 41-3-607;

(vi) appointment of a guardian pursuant to 41-3-444;

(vii) a determination that preservation or reunification services need not be provided; or

(viii) any combination of the provisions of subsections (1)(a)(i) through (1)(a)(vii) or any other relief that may be required for the best interests of the child.

(b) The petition may be modified for different relief at any time within the discretion of the court.

(c) A petition for temporary legal custody may be the initial petition filed in a case.

(d) A petition for the termination of the parent-child legal relationship may be the initial petition filed in a case if a request for a determination that preservation or reunification services need not be provided is made in the petition.

(2) The county attorney, attorney general, or an attorney hired by the county shall file all petitions under this chapter. A petition filed by the county attorney, attorney general, or an attorney hired by the county must be accompanied by:

(a) an affidavit by the department alleging that the child appears to have been abused or neglected and stating the basis for the petition; and

(b) a separate notice to the court stating any statutory time deadline for a hearing.

(3) Abuse and neglect petitions must be given highest preference by the court in setting hearing dates.

(4) An abuse and neglect petition is a civil action brought in the name of the state of Montana. The Montana Rules of Civil Procedure and the Montana Rules of Evidence apply except as modified in this chapter. Proceedings under a petition are not a bar to criminal prosecution.

(5) (a) Except as provided in subsection (5)(b), the person filing the abuse and neglect petition has the burden of presenting evidence required to justify the relief requested and establishing:

(i) probable cause for the issuance of an order for immediate protection and emergency protective services or an order for temporary investigative authority;

(ii) a preponderance of the evidence for an order of adjudication or temporary legal custody;

(iii) a preponderance of the evidence for an order of long-term custody; or

(iv) clear and convincing evidence for an order terminating the parent-child legal relationship.

(b) If a proceeding under this chapter involves an Indian child, as defined in the federal Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, or [section 3]*, the standards of proof required for legal relief under the federal Indian Child Welfare Act *and [sections 1 through 18]* apply.

(6) (a) Except as provided in the federal Indian Child Welfare Act *and [sections 1 through 18]*, if applicable, the parents or parent, guardian, or other person or agency having legal custody of the child named in the petition, if residing in the state, must be served personally with a copy of the initial petition and a petition to terminate the parent-child legal relationship at least 5 days before the date set for hearing. If the person or agency cannot be served personally, the person or agency may be served by publication as provided in 41-3-428 and 41-3-429.

(b) Copies of all other petitions must be served upon the person or the person's attorney of record by certified mail, by personal service, or by publication as provided in 41-3-428 and 41-3-429. If service is by certified mail, the department must receive a return receipt signed by the person to whom the notice was mailed for the service to be effective. Service of the notice is considered to be effective if, in the absence of a return receipt, the person to whom the notice was mailed appears at the hearing.

(7) If personal service cannot be made upon the parents or parent, guardian, or other person or agency having legal custody, the court shall immediately provide for the appointment or assignment of an attorney as provided for in 41-3-425 to represent the unavailable party when, in the opinion of the court, the interests of justice require. If personal service cannot be made upon a putative father, the court may not provide for the appointment or assignment of counsel as provided for in 41-3-425 to represent the father unless, in the opinion of the court, the interests of justice require counsel to be appointed or assigned.

(8) If a parent of the child is a minor, notice must be given to the minor parent's parents or guardian, and if there is no guardian, the court shall appoint one.

(9) (a) Any person interested in any cause under this chapter has the right to appear. Any foster parent, preadoptive parent, or relative caring for the child must be given legal notice by the attorney filing the petition of all judicial hearings for the child and has the right to be heard. The right to appear or to be heard does not make that person a party to the action. Any foster parent, preadoptive parent, or relative caring for the child must be given notice of all reviews by the reviewing body.

(b) A foster parent, preadoptive parent, or relative of the child who is caring for or a relative of the child who has cared for a child who is the subject of the petition who appears at a hearing set pursuant to this section may be allowed by the court to intervene in the action if the court, after a hearing in which evidence is presented on those subjects provided for in 41-3-437(4), determines that the intervention of the person is in the best interests of the child. A person granted intervention pursuant to this subsection is entitled to participate in the adjudicatory hearing held pursuant to 41-3-437 and to notice and participation in subsequent proceedings held pursuant to this chapter involving the custody of the child.

(10) An abuse and neglect petition must state:

(a) the nature of the alleged abuse or neglect and of the relief requested;

(b) the full name, age, and address of the child and the name and address of the child's parents or the guardian or person having legal custody of the child; and

(c) the names, addresses, and relationship to the child of all persons who are necessary parties to the action.

(11) Any party in a proceeding pursuant to this section is entitled to counsel as provided in 41-3-425.

(12) At any stage of the proceedings considered appropriate by the court, the court may order an alternative dispute resolution proceeding or the parties may voluntarily participate in an alternative dispute resolution proceeding. An alternative dispute resolution proceeding under this chapter may include a family engagement meeting, mediation, or a settlement conference. If a court orders an alternative dispute resolution proceeding, a party who does not wish to participate may file a motion objecting to the order. If the department is a party to the original proceeding, a representative of the department who has

complete authority to settle the issue or issues in the original proceeding must be present at any alternative dispute resolution proceeding.

(13) Service of a petition under this section must be accompanied by a written notice advising the child's parent, guardian, or other person having physical or legal custody of the child of the:

(a) right, pursuant to 41-3-425, to appointment or assignment of counsel if the person is indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable;

(b) right to contest the allegations in the petition; and

(c) timelines for hearings and determinations required under this chapter.

(14) If appropriate, orders issued under this chapter must contain a notice provision advising a child's parent, guardian, or other person having physical or legal custody of the child that:

(a) the court is required by federal and state laws to hold a permanency hearing to determine the permanent placement of a child no later than 12 months after a judge determines that the child has been abused or neglected or 12 months after the first 60 days that the child has been removed from the child's home;

(b) if a child has been in foster care for 15 of the last 22 months, state law presumes that termination of parental rights is in the best interests of the child and the state is required to file a petition to terminate parental rights; and

(c) completion of a treatment plan does not guarantee the return of a child.

(15) A court may appoint a standing master to conduct hearings and propose decisions and orders to the court for court consideration and action. A standing master may not conduct a proceeding to terminate parental rights. A standing master must be a member of the state bar of Montana and must be knowledgeable in the area of child abuse and neglect laws."

Section 34. Section 41-3-423, MCA, is amended to read:

"**41-3-423. Reasonable efforts required to prevent removal of child or to return -- exemption -- findings -- permanency plan.** (1) (a) The department shall make reasonable efforts to prevent the necessity of removal of a child from the child's home and to reunify families that have been separated by the state.

(b) (i) For the purposes of this subsection (1), the term "reasonable efforts" means the department shall in good faith develop and implement voluntary services agreements and treatment plans that are designed to preserve the parent-child relationship and the family unit and shall in good faith assist parents in completing voluntary services agreements and treatment plans.

(ii) The term includes but is not limited to:

(A) written prevention plans;

(B) development of individual written case plans specifying state efforts to preserve or reunify families;

(C) placement in the least disruptive setting possible with priority given to family placement as provided in 41-3-439;

(D) provision of services pursuant to a case plan that is designed to address the parent's treatment and other needs precluding the parent from safely parenting, including but not limited to individual and family therapy, parent education, substance abuse treatment, and trauma-related services; and

(E) periodic review of each case to ensure timely progress toward reunification or permanent placement.

(c) In determining preservation or reunification services to be provided and in making reasonable efforts at providing preservation or reunification services, the child's health and safety are of paramount concern.

(2) Except in a proceeding subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, the department may, at any time during an abuse and neglect proceeding, make a request for a determination that preservation or reunification services need not be provided. If an indigent parent is not already represented by counsel, the court shall immediately provide for the appointment or assignment of counsel to represent the indigent parent in accordance with the provisions of 41-3-425. A court may make a finding that the department need not make reasonable efforts to provide preservation or reunification services if the court finds that the parent has:

(a) subjected a child to aggravated circumstances, including but not limited to abandonment, torture, chronic abuse, or sexual abuse or chronic, severe neglect of a child;

(b) committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate homicide of a child;

(c) committed aggravated assault against a child;

(d) committed neglect of a child that resulted in serious bodily injury or death; or

(e) had parental rights to the child's sibling or other child of the parent involuntarily terminated and the circumstances related to the termination of parental rights are relevant to the parent's ability to adequately care for the child at issue.

(3) Preservation or reunification services are not required for a putative father, as defined in 42-2-201, if the court makes a finding that the putative father has failed to do any of the following:

(a) contribute to the support of the child for an aggregate period of 1 year, although able to do so;

(b) establish a substantial relationship with the child. A substantial relationship is demonstrated by:

(i) visiting the child at least monthly when physically and financially able to do so; or

(ii) having regular contact with the child or with the person or agency having the care and custody of the child when physically and financially able to do so; and

(iii) manifesting an ability and willingness to assume legal and physical custody of the child if the child was not in the physical custody of the other parent.

(c) register with the putative father registry pursuant to Title 42, chapter 2, part 2, and the person has not been:

(i) adjudicated in Montana to be the father of the child for the purposes of child support; or

(ii) recorded on the child's birth certificate as the child's father.

(4) A judicial finding that preservation or reunification services are not necessary under this section must be supported by clear and convincing evidence.

(5) If the court finds that preservation or reunification services are not necessary pursuant to subsection (2) or (3), a permanency hearing must be held within 30 days of that determination and reasonable efforts, including consideration of both in-state and out-of-state permanent placement options for the child, must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If reasonable efforts have been made to prevent removal of a child from the home or to return a child to the child's home but continuation of the efforts is determined by the court to be inconsistent with the permanency plan for the child, the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, including, if appropriate, placement in another state, and to complete whatever steps are necessary to finalize the permanent placement of the child. Reasonable efforts to place a child permanently for adoption or to make an alternative out-of-home permanent placement may be made concurrently with reasonable efforts to return a child to the child's home. Concurrent planning, including identifying in-state and out-of-state placements, may be used.

(7) When determining whether the department has made reasonable efforts to prevent the necessity of removal of a child from the child's home or to reunify families that have been separated by the state, the court shall review the services provided by the agency including, if applicable, protective services provided pursuant to 41-3-302."

Section 35. Section 41-3-425, MCA, is amended to read:

"**41-3-425. Right to counsel.** (1) Any party involved in a petition filed pursuant to 41-3-422 has the right to counsel in all proceedings held pursuant to the petition.

(2) Except as provided in subsections (3) through (5), the court shall immediately appoint the office of state public defender to assign counsel for:

(a) any indigent parent, guardian, or other person having legal custody of a child or youth in a removal, placement, or termination proceeding pursuant to 41-3-422, pending a determination of eligibility pursuant to 47-1-111;

(b) any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad litem is not appointed for the child or youth; and

(c) any party entitled to counsel at public expense under the federal Indian Child Welfare Act *or [sections 1 through 18]*.

(3) When appropriate, the court may appoint the office of state public defender to assign counsel for any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad litem is appointed for the child or youth.

(4) When appropriate and in accordance with judicial branch policy, the court may assign counsel at the court's expense for a guardian ad litem or a court-appointed special advocate involved in a proceeding under a petition filed pursuant to 41-3-422.

(5) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, a court may not appoint a public defender to a putative father, as defined in 42-2-201, of a child or youth in a removal, placement, or termination proceeding pursuant to 41-3-422 until:

(a) the putative father is successfully served notice of a petition filed pursuant to 41-3-422; and

(b) the putative father makes a request to the court in writing to appoint the office of state public defender to assign counsel."

Section 36. Section 41-3-427, MCA, is amended to read:

"**41-3-427. Petition for immediate protection and emergency protective services -- order -- service.** (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected. The affidavit of the department representative must contain information, if any, regarding statements made by the parents about the facts of the case.

(c) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(d) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.

(e) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any in-person meeting with a child protection specialist concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the child protection specialist.

(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:

(a) the right of entry by a peace officer or department worker;

(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;

(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;

(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;

(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;

(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;

(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and

(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(3) An order for removal of a child from the home must include a finding that continued residence of the child with the parent is contrary to the welfare of the child or that an out-of-home placement is in the best interests of the child.

(4) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.

(5) The petition must be served as provided in 41-3-422 *or, if the case involves an Indian child, as provided in [section 7]*."

Section 37. Section 41-3-432, MCA, is amended to read:

"**41-3-432. Show cause hearing -- order.** (1) (a) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, a show cause hearing must be conducted within 20 days of the filing of an initial child abuse and neglect petition unless otherwise stipulated by the parties pursuant to 41-3-434 or unless an extension of time is granted by the court. A separate notice to the court stating the statutory time deadline for a hearing must accompany any petition to which the time deadline applies.

(b) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, a qualified expert witness is required to testify that the continued custody of the *Indian* child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the *Indian* child.

(c) The court may grant an extension of time for a show cause hearing only upon a showing of substantial injustice and shall order an appropriate remedy that considers the best interests of the child.

(2) The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of an order for temporary investigative authority after the show cause hearing, except as provided by the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable.

(3) If a contested show cause hearing is requested pursuant to 41-3-427 based upon a disputed issue of material fact or a dispute regarding the veracity of the affidavit of the department, the court may consider all evidence and shall provide an opportunity for a parent, guardian, or other person having physical or legal custody of the child to provide testimony regarding the disputed issues. Hearsay evidence of statements made by the affected child is admissible at the hearing. The parent, guardian, or other person may be represented by legal counsel and may be appointed or assigned counsel as provided for in 41-3-425.

(4) At the show cause hearing, the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment or assignment of counsel if indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, and the right to challenge the allegations contained in the petition. The parent, guardian, or other person having physical or legal custody of the child must be given the opportunity to admit or deny the allegations contained in the petition at the show cause hearing. Inquiry must be made to determine whether the notice requirements of the federal Indian Child Welfare Act *or [section 7]*, if applicable, have been met.

(5) Except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, the court shall make written findings on issues including but not limited to the following:

(a) whether the child should be returned home immediately if there has been an emergency removal or remain in temporary out-of-home care or be removed from the home;

(b) if removal is ordered or continuation of removal is ordered, why continuation of the child in the home would be contrary to the child's best interests and welfare;

(c) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home;

(d) financial support of the child, including inquiry into the financial ability of the parents, guardian, or other person having physical or legal custody of the child to contribute to the costs for the care, custody, and treatment of the child and requirements of a contribution for those costs pursuant to 41-3-446; and

(e) whether another hearing is needed and, if so, the date and time of the next hearing.

(6) The court may consider:

(a) terms and conditions for parental visitation; and

(b) whether orders for examinations, evaluations, counseling, immediate services, or protection are needed.

(7) Following the show cause hearing, the court may enter an order for the relief requested or amend a previous order for immediate protection of the child if one has been entered. The order must be in writing.

(8) If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, the parents or parent, guardian, or other person or agency having physical or legal custody of the child named in the petition may request that a citizen review board, if available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in 41-3-1010.

(9) Adjudication of a child as a youth in need of care may be made at the show cause hearing if the requirements of 41-3-437(2) are met. If not made at the show cause hearing, adjudication under 41-3-437 must be made within the time limits required by 41-3-437 unless adjudication occurs earlier by stipulation of the parties pursuant to 41-3-434 and order of the court."

Section 38. Section 41-3-437, MCA, is amended to read:

"**41-3-437. Adjudication -- temporary disposition -- findings -- order.** (1) Upon the filing of an appropriate petition, an adjudicatory hearing must be held within 90 days of a show cause hearing under 41-3-432. Adjudication may take place at the show cause hearing if the requirements of subsection (2) are met or may be made by prior stipulation of the parties pursuant to 41-3-434

and order of the court. Exceptions to the time limit may be allowed only in cases involving newly discovered evidence, unavoidable delays, stipulation by the parties pursuant to 41-3-434, and unforeseen personal emergencies.

(2) The court may make an adjudication on a petition under 41-3-422 if the court determines by a preponderance of the evidence, except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, that the child is a youth in need of care. Except as otherwise provided in this part, the Montana Rules of Civil Procedure and the Montana Rules of Evidence apply to adjudication and to an adjudicatory hearing. Adjudication must determine the nature of the abuse and neglect and establish facts that resulted in state intervention and upon which disposition, case work, court review, and possible termination are based.

(3) The court shall hear evidence regarding the residence of the child, paternity, if in question, the whereabouts of the parents, guardian, or nearest adult relative, and any other matters the court considers relevant in determining the status of the child. Hearsay evidence of statements made by the affected youth is admissible according to the Montana Rules of Evidence.

(4) In a case in which abandonment has been alleged by the county attorney, the attorney general, or an attorney hired by the county, the court shall hear offered evidence, including evidence offered by a person appearing pursuant to 41-3-422(9)(a) or (9)(b), regarding any of the following subjects:

(a) the extent to which the child has been cared for, nurtured, or supported by a person other than the child's parents; and

(b) whether the child was placed or allowed to remain by the parents with another person for the care of the child, and, if so, then the court shall accept evidence regarding:

(i) the intent of the parents in placing the child or allowing the child to remain with that person;

(ii) the continuity of care the person has offered the child by providing permanency or stability in residence, schooling, and activities outside of the home; and

(iii) the circumstances under which the child was placed or allowed to remain with that other person, including:

(A) whether a parent requesting return of the child was previously prevented from doing so as a result of an order issued pursuant to Title 40, chapter 15, part 2, or of a conviction pursuant to 45-5-206; and

(B) whether the child was originally placed with the other person to allow the parent to seek employment or attend school.

(5) In all civil and criminal proceedings relating to abuse or neglect, the privileges related to the examination or treatment of the child do not apply, except the attorney-client privilege granted by 26-1-803 and the mediation privilege granted by 26-1-813.

(6) (a) If the court determines that the child is not an abused or neglected child, the petition must be dismissed and any order made pursuant to 41-3-427 or 41-3-432 must be vacated.

(b) If the child is adjudicated a youth in need of care, the court shall set a date for a dispositional hearing to be conducted within 20 days, as provided in 41-3-438(1), and order any necessary or required investigations. The court may issue a temporary dispositional order pending the dispositional hearing. The temporary dispositional order may provide for any of the forms of relief listed in 41-3-427(2).

(7) (a) Before making an adjudication, the court may make oral findings, and following the adjudicatory hearing, the court shall make written findings on issues, including but not limited to the following:

(i) which allegations of the petition have been proved or admitted, if any;

(ii) whether there is a legal basis for continued court and department intervention; and

(iii) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home.

(b) The court may order:

(i) terms for visitation, support, and other intrafamily communication pending disposition if the child is to be placed or to remain in temporary out-of-home care prior to disposition;

(ii) examinations, evaluations, or counseling of the child or parents in preparation for the disposition hearing that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(iii) the department to evaluate the noncustodial parent or relatives as possible caretakers, if not already done;

(iv) the perpetrator of the alleged child abuse or neglect to be removed from the home to allow the child to remain in the home; and

(v) the department to continue efforts to notify noncustodial parents.

(8) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, a qualified expert witness is required to testify that the continued custody of the *Indian* child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the *Indian* child."

Section 39. Section 41-3-444, MCA, is amended to read:

"**41-3-444. Abuse and neglect proceedings -- appointment of guardian -- financial subsidies.** (1) The court may, upon the petition of the department or guardian ad litem, enter an order appointing a guardian for a child who has been placed in the temporary or permanent custody of the department pursuant to 41-3-438, 41-3-445, or 41-3-607. The guardianship may be subsidized by the department under subsection (9) if the guardianship meets the department's criteria, or the guardianship may be nonsubsidized.

(2) The court may appoint a guardian for a child pursuant to this section if the following facts are found by the court:

(a) the department has given its written consent to the appointment of the guardian, whether the guardianship is to be subsidized or not;

(b) if the guardianship is to be subsidized, the department has given its written consent after the department has considered initiating or continuing financial subsidies pursuant to subsection (9);

(c) the child has been adjudicated a youth in need of care;

(d) the department has made reasonable efforts to reunite the parent and child, further efforts to reunite the parent and child by the department would likely be unproductive, and reunification of the parent and child would be contrary to the best interests of the child;

(e) the child has lived with the potential guardian in a family setting and the potential guardian is committed to providing a long-term relationship with the child;

(f) it is in the best interests of the child to remain or be placed with the potential guardian;

(g) either termination of parental rights to the child is not in the child's best interests or parental rights to the child have been terminated, but adoption is not in the child's best interests; and

(h) if the child concerning whom the petition for guardianship has been filed is an Indian child, as defined in the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq., *or [section 3],* the *Indian* child's tribe has received notification from the state of the initiation of the proceedings.

(3) In the case of an abandoned child, the court may give priority to a member of the abandoned child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, if placement with the extended family member is in the best interests of the child. If more than one extended family member has requested to be appointed as guardian, the court may determine which extended family member to appoint in the same manner provided for in 41-3-438(4).

(4) The entry of a decree of guardianship pursuant to this section terminates the custody of the department and the involvement of the department with the child and the child's parents except for the department's provision of a financial subsidy, if any, pursuant to subsection (9).

(5) A guardian appointed under this section may exercise the powers and has the duties provided in 72-5-231.

(6) The court may revoke a guardianship ordered pursuant to this section if the court finds, after hearing on a petition for removal of the child's guardian, that continuation of the guardianship is not in the best interests of the child. Notice of hearing on the petition must be provided by the moving party to the child's lawful guardian, the department, any court-appointed guardian ad litem, the child's parent if the rights of the parent have not been terminated, and other persons directly interested in the welfare of the child.

(7) A guardian may petition the court for permission to resign the guardianship. A petition may include a request for appointment of a successor guardian.

(8) After notice and hearing on a petition for removal or permission to resign, the court may appoint a successor guardian or may terminate the guardianship and restore temporary legal custody to the department pursuant to 41-3-438.

(9) The department may provide a financial subsidy to a guardian appointed pursuant to this section if the guardianship meets the department's criteria and if the department determines that a subsidy is in the best interests of the child. The amount of the subsidy must be determined by the department.

(10) This section does not apply to guardians appointed pursuant to Title 72, chapter 5."

Section 40. Section 41-3-609, MCA, is amended to read:

"**41-3-609. Criteria for termination.** (1) The court may order a termination of the parent-child legal relationship upon a finding established by clear and convincing evidence, except as provided in the federal Indian Child Welfare Act *or [sections 1 through 18]*, if applicable, that any of the following circumstances exist:

(a) the parents have relinquished the child pursuant to 42-2-402 and 42-2-412;

(b) the child has been abandoned by the parents;

(c) the parent is convicted of a felony in which sexual intercourse occurred or is a minor adjudicated a delinquent youth because of an act that, if committed by an adult, would be a felony in which sexual intercourse occurred and, as a result of the sexual intercourse, the child is born;

(d) the parent has subjected a child to any of the circumstances listed in 41-3-423(2)(a) through (2)(e);

(e) the putative father meets any of the criteria listed in 41-3-423(3)(a) through (3)(c); or

(f) the child is an adjudicated youth in need of care and both of the following exist:

(i) an appropriate treatment plan that has been approved by the court has not been complied with by the parents or has not been successful; and

(ii) the conduct or condition of the parents rendering them unfit is unlikely to change within a reasonable time.

(2) In determining whether the conduct or condition of the parents is unlikely to change within a reasonable time, the court shall enter a finding that continuation of the parent-child legal relationship will likely result in continued abuse or neglect or that the conduct or the condition of the parents renders the parents unfit, unable, or unwilling to give the child adequate parental care. In making the determinations, the court shall consider but is not limited to the following:

(a) emotional illness, mental illness, or mental deficiency of the parent of a duration or nature as to render the parent unlikely to care for the ongoing physical, mental, and emotional needs of the child within a reasonable time;

(b) a history of violent behavior by the parent;

(c) excessive use of intoxicating liquor or of a narcotic or dangerous drug that affects the parent's ability to care and provide for the child; and

(d) present judicially ordered long-term confinement of the parent.

(3) In considering any of the factors in subsection (2) in terminating the parent-child relationship, the court shall give primary consideration to the physical, mental, and emotional conditions and needs of the child.

(4) A treatment plan is not required under this part upon a finding by the court following hearing if:

(a) the parent meets the criteria of subsections (1)(a) through (1)(e);

(b) two medical doctors or clinical psychologists submit testimony that the parent cannot assume the role of parent within a reasonable time;

(c) the parent is or will be incarcerated for more than 1 year and reunification of the child with the parent is not in the best interests of the child because of the child's circumstances, including placement options, age, and developmental, cognitive, and psychological needs; or

(d) the death or serious bodily injury, as defined in 45-2-101, of a child caused by abuse or neglect by the parent has occurred.

(5) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act *or [sections 1 through 18]*, a qualified expert witness is required to testify that the continued custody of the *Indian* child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the *Indian* child."

Section 41. Section 42-2-102, MCA, is amended to read:

"**42-2-102. Proceedings subject to Indian Child Welfare ~~Act~~ *Acts.*** A proceeding under this title that pertains to an Indian child, as defined in ~~the Indian Child Welfare Act of 1978, 25 U.S.C. 1901, et seq.,~~ *[section 3],* is subject to ~~that act~~ *the federal Indian Child Welfare Act of 1978, 25 U.S.C. 1901, et seq., and [sections 1 through 18]*."

Section 42. Section 42-2-604, MCA, is amended to read:

"**42-2-604. Contents of petition for termination of parental rights.** (1) The petition for termination of parental rights must state:

(a) the identity of the petitioner;

(b) the date and location of the birth of the child;

(c) the date of the relinquishment by the birth mother or relinquishing parent;

(d) the current location of the child;

(e) the names and locations, if known, of any putative or presumed father of the child;

(f) whether a parent is one from whom consent is not required;

(g) whether court orders from any other proceeding have been issued terminating parental rights to the child that is the subject of the petition;

(h) any other evidence supporting termination of the legal rights that a person has with regard to the child; and

(i) a request for temporary custody of the child prior to the adoption.

(2) The petitioner shall file with the petition for termination of parental rights the following documents received in support of the petition:

(a) any relinquishments and consents to adoption;

(b) any denials of paternity;

(c) any acknowledgments of paternity and denial of parental rights;

(d) any affidavits from the putative father registry that have been executed by the department;

(e) the adoptive decision support services report required under 42-2-409;

(f) proof of prior service of any notice or acknowledgment of service or waiver of service received; and

(g) proof of compliance with the *federal* Indian Child Welfare Act of 1978*, [sections 1 through 18],* and Interstate Compact on the Placement of Children, if applicable."

Section 43. Section 42-4-102, MCA, is amended to read:

"**42-4-102. Duties of placing parent.** (1) A parent who is directly placing a child for adoption shall execute a voluntary relinquishment and consent to adopt, including:

(a) receiving the adoptive decision support services required by 42-2-409; and

(b) if the parent is a minor, being advised by legal counsel other than the attorney representing the prospective adoptive parent.

(2) A placing parent shall identify and provide information on the location of any other legal parent or guardian of the child and any other person required to receive notice under 42-2-605, including:

(a) any current spouse;

(b) any spouse who is the other birth parent and to whom the parent was married at the probable time of conception or birth of the child; and

(c) any adoptive parent.

(3) A placing parent shall identify and provide information pertaining to any Indian heritage of the child that would bring the child within the jurisdiction of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, or [sections 1 through 18].*

(4) A parent placing a child for adoption in a direct parental placement adoption shall provide:

(a) the disclosures of medical and social history required pursuant to 42-3-101;

(b) a certified copy of the child's birth certificate or other document certifying the place and date of the child's birth; and

(c) a certified copy of any existing court orders pertaining to custody or visitation of the child.

(5) A parent placing a child for adoption in a direct parental placement adoption shall file a notice of parental placement.

(6) A parent placing a child for adoption in a direct parental placement adoption shall file a disclosure of all disbursements made to or for the benefit of the parent by the prospective adoptive parent or any person acting on behalf of the prospective adoptive parent.

(7) Subject to the limitations set in 42-7-102, expenses for adoptive decision support services, postadoptive counseling, outpatient mental health services, legal fees, and the reasonable costs of preparing reports documenting the required disclosures of medical and social history and the disclosures documenting disbursements are allowable expenses that can be paid for by the prospective adoptive parent."

Section 44. Section 42-4-103, MCA, is amended to read:

"**42-4-103. Direct parental placement -- information to be filed.** (1) A parent who proposes to place a child for adoption with a prospective adoptive parent who resides in Montana and who is not the child's stepparent or an extended family member shall file with the court of the county in which the prospective adoptive parent or the parent making the placement resides the following:

(a) a notice of parental placement containing the following information:

(i) the name and address of the placing parent;

(ii) the name and address of each prospective adoptive parent;

(iii) the name and address or expected date and place of birth of the child;

(iv) the identity and information on the location of any other legal parent or guardian of the child and any other person required to receive notice under 42-2-605, including any current spouse, any spouse who is the other birth parent and to whom the parent was married at the probable time of conception or birth of the child, and any adoptive parent;

(v) all relevant information pertaining to any Indian heritage of the child that would bring the child within the jurisdiction of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, or [sections 1 through 18]*; and

(vi) the name and address of counsel, a guardian ad litem, or other representative, if any, of each of the parties mentioned in subsections (1)(a)(i) through (1)(a)(iii);

(b) a relinquishment and consent to adoption of the child by the adoptive parent;

(c) the adoptive decision support services report required by 42-2-409;

(d) the medical and social history disclosures required by 42-3-101;

(e) a report of disbursements identifying all payments made to or to the benefit of the placing parent by the prospective adoptive parent or anyone acting on the parent's behalf that contains a statement by each person furnishing information in the report attesting to the truthfulness of the information furnished by that person;

(f) a certified copy of the child's birth certificate or other document certifying the place and date of the child's birth;

(g) a certified copy of any existing court orders pertaining to custody or visitation of the child; and

(h) the preplacement evaluation.

(2) The notice of parental placement must be signed by the parent making the placement."

Section 45. Section 42-4-203, MCA, is amended to read:

"**42-4-203. Duties of placing parent.** (1) A parent who is placing a child for adoption shall comply with the provisions for executing a voluntary relinquishment and consent to adopt.

(2) A parent placing a child for adoption shall identify and provide information on the location of:

(a) any other legal parent or guardian of the child and any other person required to receive notice under 42-2-605, including any current spouse; and

(b) any spouse who is the other birth parent and to whom the parent was married at the probable time of conception or birth of the child.

(3) A parent placing a child for adoption shall identify and provide information pertaining to any Indian heritage of the child that would bring the child within the jurisdiction of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, or [sections 1 through 18]*.

(4) A parent placing a child for adoption shall provide:

(a) the disclosures of medical and social history;

(b) a certified copy of the child's birth certificate or other document certifying the place and date of the child's birth; and

(c) a certified copy of any existing court orders pertaining to custody or visitation of the child."

Section 46. Section 42-4-209, MCA, is amended to read:

"**42-4-209. Postplacement department or agency evaluation.** (1) The department or agency shall complete a written postplacement evaluation. The postplacement evaluation must be conducted according to the department's or agency's standards for placement of a child and at a minimum must include a personal interview with the prospective adoptive parent in that person's home and observation of the relationship between the child and the prospective adoptive parent.

(2) Upon the filing of a petition for adoption by the prospective adoptive parent, the department or agency shall file the postplacement evaluation.

(3) The evaluation must include the following information:

(a) whether the child is legally free for adoption;

(b) whether the proposed home is suitable for the child;

(c) a statement that the medical and social histories of the birth parents and child have been provided to the prospective adoptive parent;

(d) an assessment of adaptation by the prospective adoptive parent to parenting the child;

(e) a statement that the 6-month postplacement evaluation period has been complied with or should be waived;

(f) any other circumstances and conditions that may have a bearing on the adoption and of which the court should have knowledge;

(g) whether the agency waives notice of the proceeding;

(h) a statement that any applicable provision of law governing an interstate or intercountry placement of the child has been complied with; and

(i) a statement of compliance with any applicable provisions of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq.*, and [sections 1 through 18]*.

(4) The evaluation must contain a definite recommendation stating the reasons for or against the proposed adoption."

Section 47. Section 42-5-101, MCA, is amended to read:

"**42-5-101. Petition for adoption.** (1) A petition for adoption must be verified and must specify:

(a) the full names, ages, and place and duration of residence of the petitioners;

(b) the current marital status of petitioners and, if married, the place and date of the marriage;

(c) the circumstances under which the petitioners obtained physical custody of the child and the name of the individual or agency that placed the child;

(d) the date and place of birth of the child, if known;

(e) the name used for the child in the proceeding and, if a change in name is desired, the full name by which the child is to be known;

(f) that it is the desire of the petitioners that the relationship of parent and child be established between the petitioners and the child and to have all the rights and be subject to all the duties of that relationship;

(g) a full description and statement of value of all property owned or possessed by the child;

(h) the facts, if any, that excuse consent on the part of a person whose consent is required for the adoption;

(i) that any applicable law governing interstate or intercountry placement was complied with;

(j) that, if applicable, the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq., ~~was~~ *and [sections 1 through 18] were* complied with;

(k) whether a previous petition has been filed by the petitioners to adopt the child at issue or any other child in any court and the disposition of the petitions; and

(l) the name and address, if known, of any person who is entitled to receive notice of the petition for adoption.

(2) There must be attached to or accompanying the petition:

(a) any written consent required by 42-2-301;

(b) a certified copy of any court order terminating the rights of the child's parents;

(c) a certified copy of any existing court order in any pending proceeding concerning custody of or visitation with the child;

(d) a copy of any agreement with a public agency to provide a subsidy for the benefit of the child with a special need;

(e) the postplacement evaluation prepared pursuant to 42-4-113 or 42-4-209;

(f) a disclosure of any disbursements made in connection with the adoption proceeding.

(3) One copy of the petition must be retained by the court. A copy must be sent to:

(a) the department or to the agency participating in the adoption proceeding;

(b) the parent placing the child for adoption in a direct parental placement adoption; or

(c) the child's guardian ad litem if the child has one.

(4) Proceedings initiated under this part are subject to the Montana Rules of Civil Procedure except as modified by this part."

Section 48. Section 42-5-107, MCA, is amended to read:

"**42-5-107. Best interests of child.** (1) In determining whether to grant a petition to adopt, the court shall consider all relevant factors in determining the best interests of the child. The court shall consider factors relevant to the determination of a prospective adoptive parent's parenting ability, the future security for a child, and familial stability.

(2) In a contested adoption proceeding involving a child, the court shall consider the factors set out in subsection (1) and shall also consider:

(a) the nature and length of any relationship already established between a child and any person seeking to adopt the child;

(b) the nature of any family relationship between the child and any person seeking to adopt the child and whether that person has established a positive emotional relationship with the child;

(c) the harm that could result to the child from a change in placement;

(d) whether any person seeking to adopt the child has adopted a sibling or half-sibling of the child;

(e) which, if any, of the persons seeking to adopt the child were selected by the placing parent or the department or agency whose consent to the adoption is required.

(3) In an Indian child placement, the court shall determine if the requirements of the *federal* Indian Child Welfare Act, 25 U.S.C. 1901, et seq., *and [sections 1 through 18]* have been met."

Section 49. Section 47-1-104, MCA, is amended to read:

"**47-1-104. Statewide system -- structure and scope of services -- assignment of counsel at public expense.** (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director.

(2) The director shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant 41-3-422 and as required under the federal Indian Child Welfare Act *and [section 9]*, as provided in 41-3-425;

(iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;

(ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and

(x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304.

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-121 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest."

Section 50. Section 52-2-117, MCA, is amended to read:

"**52-2-117. Indian child welfare specialist.** (1) The director of the department shall appoint a qualified person to act as an Indian child welfare specialist.

(2) The duties of the specialist include:

(a) developing Indian foster homes and other Indian placement resources;

(b) providing technical advice to tribal, state, and county agencies and district courts on matters pertaining to Indian child welfare;

(c) providing assistance in negotiating cooperative agreements to provide foster care services to Indian children;

(d) conducting training seminars on implementing the *federal* Indian Child Welfare Act of 1978, {25 U.S.C. 1901, et seq.,} *and [sections 1 through 18]*;

(e) applying for and accepting grants and other funds for Indian child welfare activities;

(f) developing and maintaining a list of attorneys to represent indigent parents and Indian custodians in Indian child welfare proceedings;

(g) making recommendations to the department on legislation and rules concerning Indian child welfare matters; and

(h) performing other duties concerning Indian child welfare matters as determined by the director."

Section 51. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 52. Codification instruction. [Sections 1 through 18] are intended to be codified as an integral part of Title 41, chapter 3, and the provisions of Title 41, chapter 3, apply to [sections 1 through 18].

Section 53. Coordination instruction. If both House Bill No. 111 and [this act] are passed and approved and if both contain a section that amends 47-1-104, then the sections amending 47-1-104 are void and 47-1-104 must be amended as follows:

"47-1-104. Statewide system -- structure and scope of services -- assignment of counsel at public expense. (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director.

(2) The director shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

~~(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant 41-3-422 and as required under the federal Indian Child Welfare Act, as provided in 41-3-425;~~

~~(iv)~~*(iii)* for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

~~(v)~~*(iv)* for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

~~(vi)~~*(v)* for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

~~(vii)~~*(vi)* for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112; and

~~(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;~~

~~(iv) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and~~

~~(x)~~*(vii)* for a witness in a criminal grand jury proceeding, as provided in 46-4-304;

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; ~~and~~

(ix) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant to 41-3-422 and as required under the federal Indian Child Welfare Act and [section 9], as provided in 41-3-425;

(x) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116; and

(xi) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-121 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest."

Section 54. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2023.

(2) [Section 31] and this section are effective on passage and approval.

Section 55. Termination. [This act] terminates June 30, 2025.

Approved May 22, 2023

CHAPTER NO. 717

[HB 321]

AN ACT GENERALLY REVISING LAWS RELATED TO THE COAL TAX TRUST; ESTABLISHING A CONSERVATION DISTRICT FUND AND A COAL BOARD FUND WITHIN THE COAL TAX TRUST; ALLOCATING COAL SEVERANCE TAX FUNDS TO THE CONSERVATION DISTRICT FUND AND THE COAL BOARD FUND; REVISING THE ALLOCATION OF COAL SEVERANCE TAXES; PROVIDING FOR TRANSFERS; TRANSFERRING MONEY FROM THE GENERAL FUND TO THE SCHOOL FACILITY FUND; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 17-5-703 AND 90-6-1001, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-5-703, MCA, is amended to read:

"**17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a Montana coal endowment fund;

(c) a Montana coal endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund;

(f) a big sky economic development fund; ~~and~~

(g) a school facilities fund*;*

(h) a conservation district fund; and

(i) a coal board fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (4) ~~and (5)~~ *through (6).*

(3) (a) The state treasurer shall monthly transfer from the Montana coal endowment fund to the Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the Montana coal endowment fund.

(b) The state treasurer shall monthly transfer from the Montana coal endowment regional water system fund to the Montana coal endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the Montana coal endowment regional water system special revenue account must be retained in the Montana coal endowment regional water system fund.

(4) (a) Starting July 1, ~~2017~~ *2023*, the state treasurer shall quarterly transfer to the school facilities fund provided for in 20-9-380(1) ~~75%~~ *10%* of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is ~~$200~~ *$300* million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance tax permanent fund ~~75%~~ *10%* of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in 20-9-525 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 20-9-525 must be retained in the school facilities fund.

(5) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the conservation district fund provided for in [section 2] 65% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the conservation district fund is $100 million. Beginning with the quarter following this certification, the state

treasurer shall instead transfer to the coal board fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the coal board fund reaches $150 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the Montana coal endowment fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the conservation district fund to the account established in 76-15-106 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 76-15-106 must be retained in the conservation district fund.

(c) The state treasurer shall monthly transfer from the coal board fund to the account established in 90-6-1001(2) the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 90-6-1001(2) must be retained in the coal board fund.

~~(5)~~*(6)* (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

~~(6)~~*(7)* Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2031--secs. 1 through 3, Ch. 305, L. 2015.)

17-5-703. (Effective July 1, 2031) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a Montana coal endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund;

(e) a big sky economic development fund; ~~and~~

(f) a school facilities fund*;*

(g) a conservation district fund; and

(h) a coal board fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (4) ~~and (5)~~ *through (6)*.

(3) The state treasurer shall monthly transfer from the Montana coal endowment fund to the Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the Montana coal endowment fund.

(4) (a) Starting July 1, ~~2017~~ *2023*, the state treasurer shall quarterly transfer to the school facilities fund provided for in 20-9-380(1) ~~75%~~ *10%* of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is ~~$200~~ *$300* million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance tax permanent fund ~~75%~~ *10%* of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in 20-9-525 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 20-9-525 must be retained in the school facilities fund.

(5) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the conservation district fund provided for in [section 2] 65% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the conservation district fund is $100 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal board fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the coal board fund reaches $150 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the Montana coal endowment fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the conservation district fund to the account established in 76-15-106 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 76-15-106 must be retained in the conservation district fund.

(c) The state treasurer shall monthly transfer from the coal board fund to the account established in 90-6-1001(2) the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 90-6-1001(2) must be retained in the coal board fund.

~~(5)~~*(6)* (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the

economic development special revenue account must be retained in the big sky economic development fund.

~~(6)~~*(7)* Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

Section 2. Conservation district fund -- conservation district special revenue account. (1) There is a conservation district fund administered by the department of administration. Pursuant to 17-5-703, a percentage of coal severance taxes received by the state must be deposited into this fund. Earnings not transferred to the conservation district account as provided in subsection (2) must be retained in the conservation district fund.

(2) The conservation district account established in 76-15-106 receives earnings from the conservation district fund as provided in 17-5-703.

Section 3. Coal board fund. (1) There is a coal board fund administered by the department of administration. Pursuant to 17-5-703, a percentage of coal severance taxes received by the state must be deposited in this fund. Earnings not transferred to the coal natural resource account as provided in subsection (2) must be retained in the coal board fund.

(2) The coal natural resource account established in 90-6-1001(2) receives earnings from the coal board fund as provided in 17-5-703.

Section 4. Section 90-6-1001, MCA, is amended to read:

"**90-6-1001. Oil, gas, and coal natural resource accounts.** (1) There is an oil and gas natural resource distribution account in the state special revenue fund. The collections allocated to the account from 15-36-331(2)(b) must be deposited in the account to be used as provided in 15-36-332(7).

(2) There is a coal natural resource account in the state special revenue fund. The collections allocated to the account from 15-35-108(9) must be deposited in the account. *The account receives earnings from the coal board fund as provided in 17-5-703.* The money in the account is allocated to the coal board provided for in 2-15-1821 and may be used only for local impact grants provided for in 90-6-205 through 90-6-207 and costs related to the administration of the grant awards."

Section 5. Transfer of funds. No later than August 15, 2023, there is transferred from the general fund to the school facilities fund established in 20-9-380 the amount necessary to bring the fund balance in the school facilities fund to $200 million.

Section 6. Appropriation. There is appropriated $1,000 from the general fund to the coal board to provide additional grant funds for the biennium beginning July 1, 2023.

Section 7. Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 76, chapter 15, part 1, and the provisions of Title 76, chapter 15, part 1, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 90, chapter 6, part 1, and the provisions of Title 90, chapter 6, part 1, apply to [section 3].

Section 8. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 718

[HB 338]

AN ACT REVISING INDIAN EDUCATION FOR ALL; PROVIDING A DEFINITION OF EDUCATIONAL AGENCY; REQUIRING SCHOOL DISTRICTS TO PROVIDE INDIAN EDUCATION FOR ALL; REQUIRING THE BOARD OF PUBLIC EDUCATION AND SUPERINTENDENT OF PUBLIC INSTRUCTION TO INCORPORATE THE DISTINCT AND UNIQUE CULTURAL HERITAGE OF MONTANA AMERICAN INDIANS INTO CONTENT STANDARDS WITH INVOLVEMENT FROM THE TRIBES; ENHANCING THE REPORTING REQUIREMENTS FOR INDIAN EDUCATION FOR ALL FUNDS DISTRIBUTED TO SCHOOL DISTRICTS; AMENDING SECTIONS 20-1-501, 20-1-502, 20-1-503, AND 20-9-329, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-1-501, MCA, is amended to read:

"**20-1-501. Recognition of American Indian cultural heritage -- legislative intent.** (1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, ~~be encouraged to~~ learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency ~~and all educational personnel will~~ work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational ~~personnel~~ *agencies* provide means by which school personnel will gain an understanding of and appreciation for the American Indian people."

Section 2. Section 20-1-502, MCA, is amended to read:

"**20-1-502. American Indian studies -- definitions.** As used in this part, the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, *language,* and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Educational agency" means:

(a) the Montana university system;

(b) professional educator preparation programs accredited by the board of public education;

(c) the board of public education;

(d) the office of public instruction; and

(e) school districts.

~~(2)~~*(3)* "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school district;

(b) inservice training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts;

(c) inservice training provided by a local board of trustees of a school district, which is developed and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized Indian education resource specialists; or

(d) inservice training developed by professional education organizations or associations in cooperation with educators of Indian descent and made available to all certified and classified personnel."

Section 3. Section 20-1-503, MCA, is amended to read:

"**20-1-503. ~~Qualification in Indian studies -- trustees and noncertified personnel~~ *Indian education for all.*** (1) ~~The board of trustees for an elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.~~ *Pursuant to this part and 20-9-329 and the definition of basic system of free quality public elementary and secondary schools under 20-9-309, the board of trustees of a school district shall require that all certified personnel and all students receive instruction in American Indian studies.*

(2) Members of boards of trustees and all noncertified personnel in public school districts are encouraged to satisfy the requirements for instruction in American Indian studies.

(3) (a) Pursuant to Article X, section 1(2), of the Montana constitution, 20-1-501, 20-7-101, and 20-9-309, the board of public education shall incorporate the distinct and unique cultural heritage of Montana American Indians in the content standards that schools must implement as a requirement for school accreditation.

(b) The superintendent shall include representatives of Montana Indian tribes on negotiated rulemaking committees formed pursuant to 20-7-101 addressing the development or revision of content standards under subsection (3)(a)."

Section 4. Section 20-9-329, MCA, is amended to read:

"**20-9-329. Indian education for all payment.** (1) ~~The~~ *Except as provided in subsection (5), the* state shall provide an Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701, to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) The Indian education for all payment is calculated as provided in 20-9-306 and is a component of the BASE budget of the district.

(3) The district shall deposit the payment in the general fund of the district.

(4) *(a)* A public school district that receives an Indian education for all payment may not divert the funds to any purpose other than curriculum development *of an American Indian studies program*, providing curriculum

and materials to students *for the program*, and *and* providing training to teachers about the *program's* curriculum and materials.

(b) A public school district shall file an annual report with the office of public instruction~~, in a form prescribed by the superintendent of public instruction.~~,, *in a form and by a date prescribed by the superintendent of public instruction,* that specifies how the Indian education for all funds were expended *in the prior school fiscal year in sufficient detail to ensure that all the funds were properly spent for the purposes under subsection (4)(a) In addition to the expenditure reporting, the report must include detailed descriptions of:*

(i) the instruction provided to certified personnel and students as required under 20-1-503; and

(ii) how this instruction was developed cooperatively with the advice and assistance of Montana tribes pursuant to Title 20, chapter 1, part 5.

(5) (a) A school district that fails to file the annual report required under subsection (4) is ineligible for the funding under this section for subsequent school fiscal years until the report is filed.

(b) If a school district files a report failing to show that all funds received under this section were spent for the purposes of subsection (4)(a), the school district's BASE budget and funding under this section for the subsequent fiscal year must be reduced by the amount of funding received that was not spent for the purposes of subsection (4)(a)."

Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 6. Effective date. [This act] is effective July 1, 2023.

Section 7. Applicability. The new reporting requirements under [section 4(4)] apply to Indian education for all funds distributed in fiscal years starting on or after July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 719

[HB 359]

AN ACT PROHIBITING MINORS FROM ATTENDING SEXUALLY ORIENTED SHOWS; PROHIBITING DRAG STORY HOUR IN SCHOOLS AND LIBRARIES THAT RECEIVE PUBLIC FUNDING; PROHIBITING MINORS FROM ATTENDING SEXUALLY ORIENTED OR OBSCENE PERFORMANCES ON PUBLIC PROPERTY; PROHIBITING SEXUALLY ORIENTED PERFORMANCES IN LIBRARIES OR SCHOOLS THAT RECEIVE STATE FUNDING; PROHIBITING SEXUALLY ORIENTED PERFORMANCES ON PUBLIC PROPERTY WHERE CHILDREN ARE PRESENT; PROVIDING DEFINITIONS; PROVIDING PENALTIES; ESTABLISHING A PRIVATE RIGHT OF ACTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 and 2], the following definitions apply:

(1) "Drag king" means a male or female performer who adopts a flamboyant or parodic male persona with glamorous or exaggerated costumes and makeup.

(2) "Drag queen" means a male or female performer who adopts a flamboyant or parodic feminine persona with glamorous or exaggerated costumes and makeup.

(3) "Drag story hour" means an event hosted by a drag queen or drag king who reads children's books and engages in other learning activities with minor children present.

(4) "Nude" means:

(a) entirely unclothed; or

(b) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breast below the top of the areola of the breasts if the person is female or any portion of the genitals or buttocks.

(5) "Prurient interest in sex" has the same meaning as provided in 45-8-205.

(6) "Public property" means any real property owned or leased, in whole or part, by the state or a political subdivision, as defined in 2-9-101, or held in the name of a political subdivision by a department, board, or authority of the state or a political subdivision.

(7) "Obscene" has the same meaning as provided in 45-8-201.

(8) "Sexually oriented" means any simulation of sexual activity, stripping, salacious dancing, any lewd or lascivious depiction or description of human genitals or of sexual conduct as defined in 45-5-625.

(9) "Sexually oriented business" means a nightclub, bar, restaurant, or similar commercial enterprise that:

(a) provides for an audience of two or more individuals:

(i) live nude entertainment or live nude performances; or

(ii) a sexually oriented performance; and

(b) authorizes on-premises consumption of alcoholic beverages.

(10) "Sexually oriented performance" means a performance that, regardless of whether performed for consideration, is intended to appeal to a prurient interest in sex and features:

(a) the purposeful exposure, whether complete or partial, of:

(i) a human genital, the pubic region, the human buttocks, or a female breast, if the breast is exposed below a point immediately above the top of the areola; or

(ii) prosthetic genitalia, breasts, or buttocks;

(b) stripping; or

(c) sexual conduct.

(11) "Stripping" means removal or simulated removal of clothing in a sexual manner for the entertainment of one or more individuals.

Section 2. Restrictions on sexually oriented businesses -- penalty. (1) A sexually oriented business may not allow a person under 18 years of age to enter the premises of the business during a sexually oriented performance.

(2) The owner, operator, manager, or employee of a sexually oriented business who is convicted of violating this section shall be fined not less than $1,000 or more than $5,000 for the first offense, not less than $2,500 or more than $5,000 for the second offense, and for third and subsequent offenses be fined $10,000 and, if applicable, the county or municipality shall revoke the business license held by the offender.

(3) [Sections 1 through 4] are applicable and uniform throughout the state and any political subdivisions.

Section 3. Where sexually oriented performances are prohibited. (1) A library that receives any form of funding from the state may not allow a sexually oriented performance as defined in [section 1] on its premises.

(2) A school or library that receives any form of funding from the state may not allow a sexually oriented performance or drag story hour, as defined

in [section 1], on its premises during regular operating hours or at any school-sanctioned extracurricular activity.

(3) A sexually oriented performance is prohibited:

(a) on public property in any location where the performance is in the presence of an individual under the age of 18; and

(b) in a location owned by an entity that receives any form of funding from the state.

(4) A library, a school, or library or school personnel, a public employee, or an entity described in subsection (3)(b) or an employee of the entity convicted of violating the prohibition under this section shall be fined $5,000 and, if applicable, proceedings must be initiated to suspend the teacher, administrator, or specialist certificate of the offender under 20-4-110 for 1 year. If an offender's certificate has previously been suspended pursuant to this subsection (4), proceedings must be initiated to permanently revoke the teacher, administrator, or specialist certificate of the offender under 20-4-110 on a subsequent violation of this section.

Section 4. Private right of action. (1) A minor who attends a performance in violation of [section 2] or [section 3] may bring an action against a person who knowingly promotes, conducts, or participates as a performer in the performance. The minor's parent or legal guardian may bring an action in the name of the minor for an action commenced under this section.

(2) If a person prevails in an action brought under this section, the court shall award:

(a) actual damages, including damages for psychological, emotional, economic, and physical harm;

(b) reasonable attorney fees and costs incurred in bringing the action; and

(c) statutory damages of $5,000.

(3) A person may bring an action under this section not later than 10 years from the date the cause of action accrues.

Section 5. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 3].

(3) [Section 4] is intended to be codified as an integral part of Title 27, chapter 1, and the provisions of Title 27, chapter 1, apply to [section 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 720

[HB 362]

AN ACT REVISING LAWS RELATED TO THE CRISIS INTERVENTION TEAM TRAINING PROGRAM; REQUIRING THE PROGRAM TO HAVE A STATEWIDE COORDINATOR; PROVIDING AN APPROPRIATION; AMENDING SECTION 44-7-110, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-7-110, MCA, is amended to read:

"**44-7-110. Crisis intervention team training program -- rulemaking.** (1) Within the limits of available funds, the board of crime control shall administer and support a crisis intervention team training program to increase the number of law enforcement officers, behavioral health providers, and community stakeholders who are trained to respond safely and effectively to incidents that involve an individual who is experiencing a behavioral health crisis. *The board shall collaborate with the department of public health and human services to prevent duplication of efforts and coordinate the monitoring and reporting of crisis intervention team training program outcomes.*

(2) ~~Local governments, including tribal governments, and nonprofit~~ *Nonprofit* law enforcement organizations*, nonprofit organizations, and local governments, including tribal governments,* are eligible to receive grant funding. Grant funds must be used to help law enforcement, advocacy, mental health, and community providers to:

(a) provide specialized training to law enforcement officers to help officers recognize and properly respond to individuals with a mental illness or behavioral health problem, including strategies for verbal de-escalation and crisis intervention techniques; ~~and~~

(b) best utilize or establish collaborative programs that enhance the ability of law enforcement agencies to coordinate with community-based service providers to address the behavioral health problems of individuals typically encountered by law enforcement officers in the line of duty.*; and*

~~(3)~~*(c)* ~~The board may also contract directly with a nonprofit organization to~~ provide or coordinate *statewide and* community-based training programs to develop best practices and standards.

(4) In administering the crisis intervention team training program, the board shall:

(a) collaborate with the department of public health and human services to ensure coordination of statewide and community-based crisis intervention team training programs and development of associated best practices and standards;

~~(a)~~*(b)* identify and disseminate data and technical assistance to local law enforcement and to community stakeholders on established national and international best practices or develop statewide best practices for community-based law enforcement responses to individuals experiencing a behavioral health crisis;

~~(b)~~*(c)* identify priorities for funding services, activities, and criteria for the receipt of program funds, including that the training offered should incorporate the best practices identified or developed by the board in conjunction with stakeholders;

~~(c)~~*(d)* monitor the expenditure of funds by organizations receiving funds under this section;

~~(d)~~*(e)* evaluate the effectiveness of services and activities under this section;

~~(e)~~*(f)* adopt rules as needed to implement this section; and

~~(f)~~*(g)* to the extent practicable, coordinate with existing statewide organizations *and other state agencies* that identify best practices, develop training models, and collect data to avoid duplication of efforts.

(5) The board shall report, in accordance with 5-11-210, on the status of the program to the law and justice interim committee by September 15 of each even-numbered year.

(6) (a) Funds available under subsection (1) consist of state appropriations and federal funds received by the board for the purposes of administering and supporting the crisis intervention team training program or any funds

received pursuant to subsection (6)(b). The board shall actively seek federal grant money that may be used for the purposes of this section.

(b) The board may accept gifts, grants, and donations from other public or private sources, which must be used within the scope of this section.

(c) The board may utilize up to 10% of funds appropriated for costs incurred to administer the program."

Section 2. Appropriation. There is appropriated $300,000 from the marijuana state special revenue account provided for in 16-12-111 to the board of crime control for each year of the 2025 biennium for the purposes described in 44-7-110. It is the intent of the legislature that this appropriation be included as part of the base budget for the board of crime control for the biennium beginning July 1, 2025.

Section 3. Coordination instruction. If both House Bill No. 669 and [this act] are passed and approved, there is appropriated $300,000 from the general fund to the board of crime control for each year of the 2025 biennium for the purposes described in 44-7-110. It is the intent of the legislature that this appropriation be included as part of the base budget for the board of crime control for the biennium beginning July 1, 2025.

Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 2] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 721

[HB 403]

AN ACT REVISING LAWS RELATED TO TEACHER AND SPECIALIST LICENSURE; REVISING THE USE AND SETTING OF FEES FOR TEACHER AND SPECIALIST CERTIFICATION FEES; AMENDING SECTION 20-4-109, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-4-109, MCA, is amended to read:

"**20-4-109. Fees for teacher and specialist certificates.** (1) *(a)* A person applying for the issuance or renewal of a teacher or specialist certificate shall pay a fee ~~not to exceed $6~~ for each school fiscal year that the certificate is valid. In addition to this fee, a person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee ~~of $6~~. The fees must be paid to the superintendent of public instruction, who shall deposit the fees with the state treasurer to the credit of the state special revenue fund account, created in subsection (2), to be used ~~in the following manner:~~

~~(a) $4 for expenses of the certification standards and practices advisory council created in 2-15-1522;~~

~~(b) $2 to the board of public education and the certification standards and practices advisory council for activities in support of the constitutional and statutory duties of the board of public education and the certification standards and practices advisory council~~ *for fully funding the costs of administering the teacher and specialist licensure program at the office of public instruction, including operations and maintenance of the licensure system and personnel costs.*

(b) The superintendent of public instruction shall recommend to the board of public education annual and filing fee amounts sufficient to generate the

revenue required to administer the teacher and specialist licensure program. In recommending the fees, the superintendent shall consider the revenues and expenses incurred in the prior 5 licensing renewal years, but the cash balance of the account in subsection (2) may not exceed two times the account's annual appropriation level. The recommendation must include documentation sufficient to support the fees charged to support the licensure program. The board of public education shall set the annual and filing fee amounts based on the superintendent's recommendation.

(2) There is an account in the state special revenue fund. Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the account *and used for administering the teacher and specialist licensure program at the office of public instruction*."

Section 2. Transition. The superintendent of public instruction shall make recommendations for annual and filing fees to the board of public education no later than September 30, 2023. The board of public education shall adopt annual and filing fees no later than December 1, 2023. The annual and filing fees adopted by the board of public education are effective January 1, 2024. Prior to January 1, 2024, the annual and filing fees for teacher and specialist certificates are $6.

Section 3. Coordination instruction. (1) If House Bill No. 22 and [this act] are passed and approved, then House Bill No. 22 is void.

(2) If both House Bill No. 231 and [this act] are passed and approved and if both contain a section that amends 20-4-109, then the section amending 20-4-109 in House Bill No. 231 is void.

Section 4. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 722

[HB 424]

AN ACT GENERALLY REVISING SUSTAINABILITY OF STATE FINANCE; REVISING TRANSFER PERCENTAGES INTO THE BUDGET STABILIZATION RESERVE FUND AND THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; INCREASING THE CAP ON THE BUDGET STABILIZATION RESERVE FUND; INCREASING THE CAP ON THE FIRE SUPPRESSION FUND; ALLOWING THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO PAY ON BONDS AND RELATED COSTS; TEMPORARILY INCREASING THE GOVERNOR'S EMERGENCY FUNDS; REQUIRING THAT FUNDS IN THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT BE USED TO FOREGO OR REDUCE THE AMOUNT OF ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING FOR GENERAL FUND TRANSFERS AND GENERAL FUND REVERSIONS INTO THE BUDGET STABILIZATION RESERVE FUND; PROVIDING FOR OTHER TRANSFERS FROM THE GENERAL FUND; PROVIDING FOR A STUDY OF STATE BUDGET PROCESS FOR PERSONAL SERVICES EXPENDITURES; ESTABLISHING REPORTING REQUIREMENTS ON THE USE OF APPROPRIATIONS FOR THE OPERATION OF STATE HEALTH CARE FACILITIES; PROVIDING LOCAL DISASTER RESILIENCY FUNDS; ESTABLISHING ELIGIBLE USES FOR THE FUNDS; PROVIDING FOR A

PENSION FUND; PROVIDING FOR A STATUTORY APPROPRIATION; PROVIDING A SUPPLEMENTAL APPROPRIATION; PROVIDING APPROPRIATIONS; PROVIDING FOR A CONTINGENT APPROPRIATION; EXPANDING USES OF A STATUTORY APPROPRIATION; AMENDING SECTIONS 10-3-312, 17-7-102, 17-7-130, 17-7-140, 17-7-209, AND 17-7-502, MCA; AMENDING SECTION 1(2), CHAPTER 476, LAWS OF 2019, SECTION 13, CHAPTER 476, LAWS OF 2019, AND SECTION 2(2), CHAPTER 499, LAWS OF 2005; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-3-312, MCA, is amended to read:

"**10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever a disaster or an emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount not to exceed ~~$16~~ *$20* million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund an amount not to exceed $500,000 during the biennium to meet the state's share of the individuals and households grant programs as provided in 42 U.S.C. 5174. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) At the end of each biennium, an amount equal to the unexpended and unencumbered balance of the ~~$16~~ *$20* million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in 76-13-150."

Section 2. Section 17-7-102, MCA, is amended to read:

"**17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(b) The term does not include:

(i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met;

(ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-521 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to ~~4.5%~~ *16%* of all general fund appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(10) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(11) "Operating reserve" means an amount equal to 8.3% of all general fund appropriations in the second year of the biennium.

(12) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(13) "Program" means a principal organizational or budgetary unit within an agency.

(14) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(15) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the

forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103. (Terminates June 30, 2028--sec. 11, Ch. 269, L. 2015.)

17-7-102. (Effective July 1, 2028) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to ~~4.5%~~ *16%* of all general fund appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(10) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(11) "Operating reserve" means an amount equal to 8.3% of all general fund appropriations in the second year of the biennium.

(12) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(13) "Program" means a principal organizational or budgetary unit within an agency.

(14) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(15) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103."

Section 3. Section 17-7-130, MCA, is amended to read:

"**17-7-130. Budget stabilization reserve fund -- rules for deposits and transfers -- purpose.** (1) There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization reserve fund.

(2) The purpose of the budget stabilization reserve fund is to mitigate budget reductions when there is a revenue shortfall.

(3) Except as provided in subsection (4), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the budget stabilization reserve fund. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(4) The provisions of subsection (3) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (3) would require reductions pursuant to 17-7-140.

(5) If the transfer provided for in subsection (3) increases the balance in the budget stabilization reserve fund to exceed 16% of all general fund appropriations in the second year of the biennium, the amount in excess is transferred to the capital developments long-range building program account established in 17-7-209.

~~(3)~~*(6)* By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst and the budget director the following:

(a) the unaudited, unassigned ending fund balance of the general fund for the most recently completed fiscal year; and

(b) the amount of unaudited general fund revenue and transfers into the general fund received in the prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system records are closed. General fund revenue and transfers into the general fund are those

recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102.

~~(4)~~*(7) (a)* The state treasurer shall calculate the operating reserve level of general fund balance defined in 17-7-102(11). The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary.

(b) Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred ~~to the budget stabilization reserve fund.~~ *as follows:*

(i) to the budget stabilization reserve fund, until the amount in the fund is equal to 16% of all general fund appropriations in the second year of the biennium; then

(ii) to the account established in 17-7-209, until the amount in the fund in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type is equal to 12% of all general fund appropriations in the second year of the biennium.

(c) After the transfers in subsections (7)(b)(i) and (7)(b)(ii) have been made, if the balance of the budget stabilization reserve fund exceeds an amount equal to 16% of the general fund appropriations in the second year of the biennium and the balance of the account established in 17-7-209 in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type exceeds 12% of all general fund appropriations in the second year of the biennium, then:

(i) 75% of any funds in excess of that amount must be transferred to the account established in [section 8]; and

(ii) 25% of the funds in excess of that amount remain in the general fund.

~~(5) After a transfer is made pursuant to subsection (4), if the balance of the fund exceeds an amount equal to 4.5% of all general fund appropriations in the second year of the biennium, then 50% of any funds in excess of that amount must be transferred to the account established in 17-7-209 and 50% to the general fund by August 16 of each fiscal year.~~

~~(6)~~*(8)* For the purposes of this section, the following definitions apply:

(a) "Adjusted compound annual growth rate revenue" means general fund revenue for the fiscal year prior to the most recently completed fiscal year plus the growth amount.

(b) "Excess revenue" means the amount of general fund revenue, including transfers in, for the most recently completed fiscal year minus adjusted compound annual growth rate revenue.

(c) "Growth amount" means general fund revenue for the fiscal year prior to the most recently completed fiscal year multiplied by the growth rate.

(d) "Growth rate" means the annual compound growth rate of general fund revenue realized over the period 12 years prior to the most recently completed fiscal year, including the most recently completed fiscal year."

Section 4. Section 17-7-140, MCA, is amended to read:

"**17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.

(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. A governor may not reduce total agency spending in the biennium by more than 4% of the second year general fund appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format. The recommendations must be provided to the legislature in accordance with 5-11-210. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; and

(f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 1.875% in October of the year preceding a legislative session;

(iii) 1.25% in January of the year in which a legislative session is convened; and

(iv) 0.625% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee in accordance with 5-11-210 of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.

(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in ~~subsections~~ *subsection* (6) ~~and (7)~~.

(6) The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize ~~$2~~ *$3* of transfers from the fund for each $1 of reductions in spending *but may not authorize a transfer that would cause the balance of the budget stabilization reserve fund to be less than 6% of all general fund appropriations in the second year of the biennium*.

~~(7) If the budget stabilization reserve fund provided for in 17-7-130 is fully expended and the governor determines more spending reductions are needed to address the projected general fund budget deficit, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize $1 of transfers from the fire suppression account established in 76-13- 150 for each $1 of reductions in spending.~~"

Section 5. Section 17-7-209, MCA, is amended to read:

"**17-7-209. Capital developments long-range building program account.** (1) (a) There is a capital developments long-range building program account in the capital projects fund type to fund capital developments *and to retire general obligation bonds paid by the general fund*.

(b) If there are funds in excess of the amount needed for appropriations ~~of~~ *from the capital developments long-range building program account in* the capital *projects* fund type, then the excess funds:

(i) may be used to pay down the ~~debt service on~~ *principal, interest, premiums, and any costs or fees associated with redeeming or defeasing outstanding general obligation* bonds *paid by the general fund* for capital projects previously

authorized ~~by the legislature if allowed without penalty by the terms of the bond issuance~~ *and issued pursuant to state law*; and

(ii) must be used to ~~delay,~~ forego~~,~~ or reduce the amount of an issuance of *general obligation* bonds *paid by the general fund and* authorized ~~by the legislature~~ *pursuant to state law only if the balance in the capital developments long-range building program account established in 17-7-209 is $100 million or more after reducing the account balance by:*

(A) the amount needed for appropriations from the account; and

(B) the amount of funds used to forego or reduce the issuance of general obligation bonds paid by the general fund.

(2) Interest earnings, project carryover funds, administrative fees, and miscellaneous revenue must be retained in the account.

(3) ~~The legislature may transfer unencumbered funds from the account only to supplement funding local infrastructure.~~ *For the purposes of subsection (1)(b)(i), funds are statutorily appropriated pursuant to 17-7-502(4) from this account.*

~~(4) The state treasurer may temporarily borrow from the fund to address cash balance deficiencies in the general fund. A loan made to the general fund does not bear interest and must be recorded in the state accounting records. The fund may not be so impaired by a loan that all legal obligations against the fund cannot be met.~~"

Section 6. Montana local disaster resiliency fund. (1) There is statutorily appropriated pursuant to 17-7-502 $4 million per year beginning in the fiscal year beginning July 1, 2023, from the general fund to the department of military affairs.

(2) Eligible uses of the money are:

(a) state and local mitigation projects that reduce or eliminate long-term risk to people and property from future disasters;

(b) the nonfederal cost share for personnel performing mitigation program management; and

(c) matching funds for grants for the purchase of hazardous material equipment and training to increase local capacity to respond to incidents as defined in 10-3-1203 involving hazardous material.

(3) The appropriation is void in any year that there is a projected general fund budget deficit pursuant to 17-7-140.

Section 7. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; *[section*

6]; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and *any* costs ~~of~~ *or fees associated with* issuing, paying, ~~and~~ securing*, redeeming, or defeasing* all bonds, notes, or other obligations, as due *in the ordinary course or when earlier called for redemption or defeased*, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 8. Pension state special revenue account. (1) There is a pension state special revenue account to the credit of the department of administration.

(2) The account is funded by a distribution pursuant to 17-7-130.

(3) Funds in the account may only be used to transfer into:

(a) a state-administered pension fund;

(b) the budget stabilization reserve fund provided for in 17-7-130;

(c) the fire suppression account provided for in 76-13-150; or

(d) the capital developments long-range building program account provided for in 17-7-209.

(4) The fund is subject to legislative transfer.

Section 9. Transfer of funds. (1) By June 30, 2023, the state treasurer shall transfer $377 million from the general fund to the budget stabilization reserve fund provided for in 17-7-130.

(2) By June 30, 2023, the state treasurer shall transfer $30 million from the general fund to the state self-insurance reserve fund established in 2-18-812.

(3) By June 30, 2023, the state treasurer shall transfer $18 million from the general fund to the office of the commissioner of higher education for the Montana university system for one-time benefit of university system employees.

Section 10. Study of state budget process and personal services expenditures -- appropriation. (1) During the 2025 biennium interim, a subcommittee a working group composed of members from of the legislative finance committee, the legislative fiscal division, and the office of budget and program planning shall jointly study the process by which the state budgets for personal services conduct a study on the state budgeting process.

(2) The study must include consultation with the vendor of the state's budgeting software system on potential options for personal services budgeting. The study must also include a survey of peer states on their personal services budgeting methodology and outcomes.

(3) The subcommittee shall make recommendations by June 2024 to the legislative finance committee and the office of budget and program planning for the budgeting process for the 2027 biennium.

(a) The study must include the development of methods to analyze and present the state budget in a manner that clearly illustrates the various costs associated with providing different services, an analysis of the strengths and weaknesses of the current budget development process, and an assessment of best practices in budget development from other states and jurisdictions.

(b) The methodology developed should enable legislators to understand cost drivers for each public service, including but not limited to personnel costs, operational expenses, and other costs of providing publicly funded services to Montanans. A goal of this study is to optimize the state budgeting process to improve effectiveness and inform decisionmaking in joint subcommittees during sessions. Another goal of this study is to maximize effective use of legislative time and legislative staff time in the joint subcommittees in the first half of each regular session.

(c) The study must additionally include an analysis of the strengths and weaknesses of the current personal services budgeting process and assessment of the personal services budgeting process in peer states.

(4) The study of state budget development and the personal services budgeting process must include consultation with the vendor of the state's budgeting software system on potential options for personal services budgeting. The working group may seek input from relevant stakeholders, including state agencies, program managers, budget analysts, and financial experts, to gather insights on and areas for improvement in both the state budget development process and personal services budgeting process.

(5) The working group shall submit a comprehensive report of its findings and recommendations to the legislative finance committee and the office of

budget and program planning by June 2024 outlining potential options for enhancing both the state budget development process and the personal services budgeting process for the 2027 biennium. The report should include specific proposals for improving transparency, efficiency, accuracy, and effectiveness in budgeting, as well as the development of potential output and outcome measures, supplemental data and analysis considered necessary, and any potentially necessary changes to budgeting laws, rules, or regulations.

(6) The legislative finance committee presiding officer, with consultation of the vice presiding officer, shall appoint seven members from the legislative finance committee to participate with the working group. At each legislative finance committee meeting the legislative fiscal division will report on the progress of the working group and have items for consideration and discussion by the legislative finance committee.

(7) There is appropriated $25,000 from the general fund to the legislative fiscal division for the biennium beginning July 1, 2023, for costs associated with this study.

Section 11 Section 1(2), Chapter 476, Laws of 2019, is amended to read:

Section 1. Definitions.

(2) "CPA" means the capital projects account provided for in 17-5-803 and 17-5-804 *or the account established in 17-7-209*."

Section 12. Section 13, Chapter 476, Laws of 2019, is amended to read:

"**Section 13. Authorization of bonds -- conditions -- maturity.** (1) The board of examiners is authorized to issue and sell general obligation bonds in one or more series and from time to time for the purposes described in subsection (3) in addition to the amount of general obligation bonds outstanding on January 1, 2019.

(2) The bonds under this section must be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8, and the maturity of these bonds must be 10 years. The authority granted to the board of examiners by this section is in addition to any other authorization to the board of examiners to issue and sell general obligation bonds.

(3) On [the effective date of this act], the board of examiners is authorized to issue and sell general obligation bonds and deposit the proceeds as follows

(a) $39,550,000 of the proceeds from the bonds sold under this section must be deposited in the capital projects account provided for in 17-5-803 and 17-5-804; and

(b) $21,500,000 of the proceeds from the bonds sold under this section must be deposited in the delivering local assistance account for grants provided for in [section 2(1)].

(c) $18,823,553 of the proceeds from the bonds sold under this section must be deposited in the local infrastructure account provided for in [section 2(2)].

(4) For the purposes of subsection (3), funds on hand in the account established in 17-7-209 in excess of the amount needed for appropriations from the account are appropriated and may be deposited in the accounts described in subsection (3) in lieu of the proceeds of bonds authorized in this section. The total amount of funds deposited in the accounts from bond proceeds and funds from the account established in 17-7-209 may not exceed the amounts authorized in subsection (3)."

Section 13. Reporting on appropriations for operation of state health care facilities by department of public health and human services. (1) For any appropriations in House Bill No. 835 or House Bill No. 2 that provide funding for the operation of state health care facilities in the department of public health and human services beyond those budgeted for the

fiscal year beginning July 1, 2022, the department shall report to the health and human services interim budget committee as follows:

(a) by September 1, 2023, on the amounts spent by the department from the appropriations referred to in subsection (1) on contract staffing, state employee compensation, and state employee recruitment and retention efforts at each relevant state health care facility in the preceding fiscal year. The department must also report on its plan for mitigating expenditures over the biennium beginning July 1, 2023, at:

(i) the intensive behavior center provided for in 53-20-602;

(ii) the Montana mental health nursing care center provided for in 53-21-411; and

(iii) the Montana state hospital provided for in 53-21-601;

(b) by September 1, 2024, on the amounts spent by the department from the appropriations referred to in subsection (1) on contract staffing, state employee compensation, and state employee recruitment and retention efforts at each relevant state health care facility in the preceding fiscal year; and

(c) by September 1, 2025, on the amounts spent by the department from the appropriations referred to in subsection (1) on contract staffing, state employee compensation, and state employee recruitment and retention efforts at each relevant state health care facility in the preceding fiscal year.

(2) The reports must be provided in an electronic format and presented to the committee in person.

Section 14. Appropriations. (1) There is appropriated $2.5 million from the general fund to the office of state public defender for the fiscal year ending June 30, 2023, for the purposes of operating the office.

(2) There is appropriated $175,000 from the general fund to the legislative branch for the fiscal year beginning July 1, 2024, to be used only to change data backup services for the Miles City data center.

Section 15. Section 2(2), Chapter 499, Laws of 2005, is amended to read:

"**Section 2. Appropriation of bond proceeds.**

(2) The following money is appropriated from the CPF from the proceeds for the bonds authorized by [section 3] *or from the account provided for in 17-7-209* to the department of natural resources and conservation for the capital projects described in this section, *and if the bond proceeds are used,* contingent upon the authorization of general obligation bonds by the 59th legislature and the sale of bonds by the board of examiners:"

Section 16. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 17. Codification instruction. [Sections 6 and 8] are intended to be codified as an integral part of Title 17, chapter 7, and the provisions of Title 17, chapter 7, apply to [sections 6 and 8].

Section 18. Coordination instruction. If both House Bill No. 587 and [this act] are passed and approved, then [section 2 of this act], amending 17-7-102, is void and 17-7-102 must be amended as follows:

17-7-102. (Temporary) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(b) The term does not include:

(i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met;

(ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-521 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to ~~4.5%~~ *16%* of all general ~~fund~~ *revenue* appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "General revenue appropriations" means appropriations from the general fund or the school equalization and property tax reduction account in [section 1 of House Bill No. 587].

~~(9)~~*(10)* "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

~~(10)~~*(11)* "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

~~(11)~~*(12)* "Operating reserve" means an amount equal to 8.3% of all general ~~fund~~ *revenue* appropriations in the second year of the biennium.

~~(12)~~*(13)* "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

~~(13)~~*(14)* "Program" means a principal organizational or budgetary unit within an agency.

~~(14)~~*(15)* "Requesting agency" means the agency of state government that has requested a specific budget amendment.

~~(15)~~*(16)* "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103. (Terminates June 30, 2028--sec. 11, Ch. 269, L. 2015.)

17-7-102. (Effective July 1, 2028) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to ~~4.5%~~ *16%* of all general ~~fund~~ *revenue* appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9)*"General revenue appropriations" means appropriations from the general fund or the school equalization and property tax reduction account in [section 1 of House Bill No. 587].*

(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

~~(10)~~*(11)* "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

~~(11)~~*(12)* "Operating reserve" means an amount equal to 8.3% of all general ~~fund~~ *revenue* revenue appropriations in the second year of the biennium.

~~(12)~~*(13)* "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

~~(13)~~*(14)* "Program" means a principal organizational or budgetary unit within an agency.

~~(14)~~*(15)* "Requesting agency" means the agency of state government that has requested a specific budget amendment.

~~(15)~~*(16)* "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103."

Section 19. Coordination instruction. If both House Bill No. 587 and [this act] are passed and approved, then [section 3 of this act], amending 17-7-130, is void and 17-7-130 must be amended as follows:

"17-7-130. Budget stabilization reserve fund -- rules for deposits and transfers -- purpose. (1) There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization reserve fund.

(2) The purpose of the budget stabilization reserve fund is to mitigate budget reductions when there is a revenue shortfall.

(3) *Except as provided in subsection (4), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the budget stabilization reserve fund. General fund appropriations that continue from a fiscal year to the next*

fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(4) The provisions of subsection (3) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (3) would require reductions pursuant to 17-7-140.

(5) If the transfer provided for in subsection (3) increases the balance in the budget stabilization reserve fund to exceed 16% of all general revenue appropriations in the second year of the biennium, the amount in excess is transferred to the capital developments long-range building program account established in 17-7-209.

(6) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst and the budget director the following:

(a) the unaudited, unassigned ending fund balance of the general fund for the most recently completed fiscal year; and

(b) the amount of unaudited general fund revenue and transfers into the general fund received in the prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system records are closed. General fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102.

~~(4)~~*(7) (a)* The state treasurer shall calculate the operating reserve level of general fund balance defined in ~~17-7-102(11)~~ *17-7-102(12)*. The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary.

(b) Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred ~~to the budget stabilization reserve fund~~ *as follows:*

(i) to the budget stabilization reserve fund, until the amount in the fund is equal to 16% of all general revenue appropriations in the second year of the biennium; then

(ii) to the account established in 17-7-209, until the amount in the fund in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type is equal to 12% of all general revenue appropriations in the second year of the biennium.

(c) After the transfers in (7)(b)(i) and (7)(b)(ii) have been made, if the balance of the budget stabilization reserve fund exceeds an amount equal to 16% of the general revenue appropriations in the second year of the biennium and the balance of the account established in 17-7-209 in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type exceeds 12% of all general revenue appropriations in the second year of the biennium, then:

(i) 75% of any funds in excess of that amount must be transferred to the account established in [section 8 of House Bill No. 424]; and

(ii) 25% of the funds in excess of that amount remain in the general fund.

~~(5) After a transfer is made pursuant to subsection (4), if the balance of the fund exceeds an amount equal to 4.5% of all general fund appropriations in the second year of the biennium, then 50% of any funds in excess of that amount must be transferred to the account established in 17-7-209 and 50% to the general fund by August 16 of each fiscal year.~~

~~(6)~~*(8)* For the purposes of this section, the following definitions apply:

(a) "Adjusted compound annual growth rate revenue" means general fund revenue for the fiscal year prior to the most recently completed fiscal year plus the growth amount.

(b) "Excess revenue" means the amount of general fund revenue, including transfers in, for the most recently completed fiscal year minus adjusted compound annual growth rate revenue.

(c) "Growth amount" means general fund revenue for the fiscal year prior to the most recently completed fiscal year multiplied by the growth rate.

(d) "Growth rate" means the annual compound growth rate of general fund revenue realized over the period 12 years prior to the most recently completed fiscal year, including the most recently completed fiscal year."

Section 20. Coordination instruction. If both House Bill No. 587 and [this act] are passed and approved, then [section 4 of this act], amending 17-7-140, is void and 17-7-140 must be amended as follows:

"17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least:

(i) 4% of the general ~~fund~~ *revenue* appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general ~~fund~~ *revenue* appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general ~~fund~~ *revenue* appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general ~~fund~~ *revenue* appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.

(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. A governor may not reduce total agency spending in the biennium by more than 4% of the second year general ~~fund~~ *revenue* appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format. The recommendations must be provided to the legislature

in accordance with 5-11-210. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; and

(f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 4% of the general ~~fund~~ *revenue* appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 1.875% in October of the year preceding a legislative session;

(iii) 1.25% in January of the year in which a legislative session is convened; and

(iv) 0.625% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee in accordance with 5-11-210 of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.

(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in ~~subsections~~ *subsection* (6) ~~and (7)~~.

(6) The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize ~~$2~~ *$3* of transfers from the fund for each $1 of reductions in spending *but may not authorized a transfer that would cause the balance of the budget stabilization reserve fund to be less than 6% of all general revenue appropriations in the second year of the biennium.*

~~(7) If the budget stabilization reserve fund provided for in 17-7-130 is fully expended and the governor determines more spending reductions are needed to address the projected general fund budget deficit, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize $1 of transfers from the fire suppression account established in 76-13-150 for each $1 of reductions in spending.~~"

Section 21. Coordination instruction. If House Bill No. 883, House Bill No. 587, and [this act] are all passed and approved, then the section of House Bill No. 883 amending 76-13-150 is void, and 76-13-150 must be amended as follows:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for:

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; ~~and~~

(g) road maintenance on federal lands*; and*

(h) fire preparedness.

~~(5) Interest earned on the balance of the account is retained in the account.~~

~~(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.~~

~~(7)~~*(5) In an even-numbered calendar year, after the transfers made pursuant to 17-7-130, if the preliminary general fund ending balance at fiscal yearend was greater than 8.3% of all general revenue appropriations in the second year of the biennium, then the state treasurer shall transfer from the general fund to fire suppression account funds sufficient to bring the fire suppression account fund balance to 6% of the general revenue appropriations in the second year of the biennium. The transfer may not cause the general fund ending fund balance to have a balance of less than 8.3% of all general revenue appropriations in the second year of the biennium.*

(6) The provisions of subsection ~~(6)~~ *(5)* do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection ~~(6)~~ *(5)* would require reductions pursuant to 17-7-140.

~~(8) The fund balance in the account may not exceed 4% of all general fund appropriations in the second year of the biennium.~~

~~(9)~~*(7)* ~~By August 15 of each even-numbered fiscal year, if~~ *If* the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds ~~$40 million, the excess, up to $5 million, must be used in the biennium~~ *3% of all general revenue appropriations in the second year of the biennium, then up to 1% of all general revenue appropriations in the second year of the biennium is statutorily appropriated from the fire suppression account* for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(8) For the biennium beginning July 1, 2023, up to 0.5% of all general revenue appropriations in the second year of the biennium is statutorily appropriated from the fire suppression account to the department for the item in subsection (4)(h).

~~(10)~~*(9)* Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)~~.~~*(a).*

(10) For purposes of this section "general revenue appropriations" has the meaning provided in 17-7-102."

Section 22. Coordination instruction. (1) If both [this act] and House Bill No. 226 are passed and approved, then the following sums are appropriated to the office of budget and program planning from the following sources in the fiscal year beginning July 1, 2023:

(a) $299,489 from the general fund;

(b) $269,572 from state special revenue;

(c) $124,611 from federal special revenue;

(d) $117,071 in proprietary funds; and

(e) $119,796 from the general fund for the benefit of the Montana University System.

(2) If both [this act] and House Bill No. 226 are passed and approved, then the following sums are appropriated to the office of budget and program planning from the following sources in the fiscal year beginning July 1, 2024:

(a) $1,547,360 from the general fund;

(b) $1,392,791 from state special revenue;

(c) $643,826 from federal special revenue;

(d) $604,869 in proprietary funds; and

(e) $618,944 from the general fund for the benefit of the Montana University System.

Section 23. Effective date. [This act] is effective on passage and approval.

Section 24. Termination. (1) [Section 1] terminates June 30, 2025.

(2) [Sections 6 and 7(3)] terminate June 30, 2027.

Approved May 22, 2023

CHAPTER NO. 723

[HB 437]

AN ACT GENERALLY REVISING CRIMINAL DRUG LAWS; REMOVING ITEMS RELATED TO TESTING DRUGS FROM THE LIST OF PARAPHERNALIA; REMOVING THE LIMITATION ON THE TYPE OF TETRAHYDROCANNABINOLS THAT MUST BE PRESENT TO CONSTITUTE

DRIVING UNDER THE INFLUENCE; AMENDING SECTIONS 45-10-103 AND 61-8-1002, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-10-103, MCA, is amended to read:

"**45-10-103. Criminal possession of drug paraphernalia.** Except as provided in Title 16, chapter 12, or 50-32-609, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, ~~test,~~ analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than $500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment."

Section 2. Section 61-8-1002, MCA, is amended to read:

"**61-8-1002. Driving under influence.** (1) A person commits the offense of driving under the influence if the person drives or is in actual physical control of:

(a) a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;

(b) a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;

(c) a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;

(d) a noncommercial vehicle or commercial motor vehicle within this state while the person's ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol* level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more; or

(e) a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood, breath, or other bodily substance drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) if there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol;

(b) if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and

(c) if there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(3) The provisions of subsection (2) do not limit the introduction of any other competent evidence bearing on the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(4) Each municipality in this state is given authority to enact this section, with the word "state" changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and the imposition of the fines and penalties provided in the ordinance.

(5) Absolute liability, as provided in 45-2-104, is imposed for a violation of this section.

(6) When the same acts may establish the commission of an offense under subsection (1), a person charged with the conduct may be prosecuted for a violation of another relevant subsection under subsection (1). However, the person may be convicted of only one offense under this section or of a similar offense under previous laws of this state."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 724

[HB 458]

AN ACT REVISING LAWS RELATED TO CAREER COACHES; PROVIDING A DEFINITION OF CAREER COACH; PROVIDING FOR DUTIES AND QUALIFICATIONS FOR A CAREER COACH; AND AMENDING SECTION 20-1-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Career coaching for career technical education and K-12 career and vocational/technical education -- duties. (1) A high school district may utilize a career coach for educational and career counseling opportunities for students.

(2) A career coach may offer opportunities for internships or apprenticeships within a community and assist students with high school course offerings, career options, occupational training, and postsecondary opportunities associated with the student's field of interest within the career technical education and K-12 career and vocational/technical education programs provided for in Title 20, chapter 7, part 3.

(3) To be eligible to be a career coach, a person must have:

(a) a bachelor's degree or a class 4 vocational, recreational, or adult education certificate in accordance with 20-4-106;

(b) an associate degree and have completed a minimum of 5,000 hours of documented, relevant work experience with recognized credentials, which may include apprenticeship training; or

(c) a high school diploma or high school equivalency diploma and have completed a minimum of 10,000 hours of documented, relevant work experience with recognized credentials, which may include apprenticeship training.

Section 2. Section 20-1-101, MCA, is amended to read:

"**20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

(a) school leadership;

(b) educational opportunity;

(c) academic requirements;

(d) program area standards;

(e) content and performance standards;
(f) school facilities and records;
(g) student assessment; and
(h) general provisions.

(2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

(3) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

(4) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

(5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils physically attending or receiving educational services at an offsite instructional setting from the public schools of a district.

(6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

(7) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

(8) "Career coach" means a person who, pursuant to [section 1], provides career technical education or K-12 career and vocational/technical education postsecondary options to pupils in a district.

~~(8)~~*(9)* "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

~~(9)~~*(10)* "County superintendent" means the county government official who is the school officer of the county.

~~(10)~~*(11)* "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

~~(11)~~*(12)* (a) "Educational program" means a set of educational offerings designed to meet the program area standards contained in the accreditation standards.

(b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

~~(12)~~*(13)* "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning through advanced opportunities, work-based learning partnerships, and other experiential learning opportunities that contribute to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

~~(13)~~*(14)* (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes and, in an offsite instructional setting, includes time spent logging on and off an offsite learning platform.

(b) The term does not include lunch time and periods of unstructured recess.

~~(14)~~*(15)* "Offsite instructional setting" means an instructional setting at a location, separate from a main school site, where a school district provides for instruction to a student who is enrolled in the district.

~~(15)~~*(16)* "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

~~(16)~~*(17)* "Pupil" means an individual who is admitted by the board of trustees pursuant to 20-5-101 and who is enrolled in a school established and maintained under the laws of the state at public expense. The eligibility of pupils and calculations for average number belonging are governed by 20-9-311.

~~(17)~~*(18)* "Pupil instruction" means the conduct of organized learning opportunities for pupils enrolled in public schools while under the supervision of a teacher. The term includes any directed, distributive, collaborative, or work-based or other experiential learning activity provided, supervised, guided, facilitated, or coordinated under the supervision of a teacher that is conducted purposely to achieve content proficiency and facilitate the acquisition of knowledge, skills, and abilities by pupils enrolled in public schools, and to otherwise fulfill their full educational potential.

~~(18)~~*(19)* "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established by the board of public education.

~~(19)~~*(20)* "Regents" means the board of regents of higher education.

~~(20)~~*(21)* "Regular school election" or "trustee election" means the election for school board members held on the day established in 20-20-105(1).

~~(21)~~*(22)* "School election" means a regular school election or any election conducted by a district or community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for decision in accordance with the provisions of this title.

~~(22)~~*(23)* "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

~~(23)~~*(24)* "Special school election" means an election held on a day other than the day of the regular school election, primary election, or general election.

~~(24)~~*(25)* "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(25)~~*(26)* "State university" means Montana state university-Bozeman.

~~(26)~~*(27)* "Student with limited English proficiency" means any student:

(a) (i) who was not born in the United States or whose native language is a language other than English;

(ii) who is an American Indian and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant; and

(b) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student:

(i) the ability to meet the state's proficiency assessments;

(ii) the ability to successfully achieve in classrooms in which the language of instruction is English; or

(iii) the opportunity to participate fully in society.

~~(27)~~*(28)* "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

~~(28)~~*(29)* "System" means the Montana university system.

~~(29)~~*(30)* "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

~~(30)~~*(31)* "Textbook" means a book, digital resource, or manual used as a principal source of study material for a given class or group of students.

~~(31)~~*(32)* "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

~~(32)~~*(33)* "Trustees" means the governing board of a district.

~~(33)~~*(34)* "University" means the university of Montana-Missoula.

~~(34)~~*(35)* "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 3, and the provisions of Title 20, chapter 7, part 3, apply to [section 1].

Approved May 22, 2023

CHAPTER NO. 725

[HB 469]

AN ACT REVISING THE TAXATION OF HORIZONTALLY RECOMPLETED WELLS; AMENDING SECTIONS 15-36-303 AND 15-36-304, MCA; AMENDING SECTIONS 12 AND 13, CHAPTER 559, LAWS OF 2021; REPEALING SECTIONS 3, 4, 5, 8, 9, 10, AND 14, CHAPTER 559, LAWS OF 2021; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-36-303, MCA, is amended to read:

"~~**15-36-303. (Temporary) Definitions.** As used in this part, the following definitions apply:~~

~~(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.~~

~~(2) "Department" means the department of revenue provided for in 2-15-1301.~~

~~(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.~~

~~(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.~~

~~(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.~~

~~(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.~~

~~(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.~~

~~(8) "Horizontally completed well" means:~~

~~(a) a well with one or more horizontal drain holes; or~~

~~(b) any other well classified by the board as a horizontally completed well.~~

~~(9) "Incremental production" means:~~

~~(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:~~

~~(i) commencing the recompletion of a well as a horizontally completed well;~~

~~(ii) expanding the existing enhanced recovery project; or~~

~~(iii) commencing a new enhanced recovery project; or~~

~~(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.~~

~~(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.~~

~~(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.~~

~~(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.~~

~~(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.~~

~~(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.~~

~~(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~

~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.~~

~~(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.~~

~~(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.~~

~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.~~

~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).~~

~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.~~

~~(b) Qualifying production does not include oil production from a horizontally recompleted well.~~

~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:~~

~~(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.~~

~~(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.~~

~~(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:~~

~~(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or~~

~~(ii) any other method approved by the board as a secondary recovery method.~~

~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.~~

~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (15)(c).~~

~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:~~

~~(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.~~

~~(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.~~

~~(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:~~

~~(i) miscible fluid displacement;~~

~~(ii) steam drive injection;~~

~~(iii) micellar/emulsion flooding;~~

~~(iv) in situ combustion;~~

~~(v) polymer augmented water flooding;~~

~~(vi) cyclic steam injection;~~

~~(vii) alkaline or caustic flooding;~~

~~(viii) carbon dioxide water flooding;~~

~~(ix) immiscible carbon dioxide displacement; and~~

~~(x) any other method approved by the board as a tertiary recovery method.~~

~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.~~

~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells. (Terminates December 31, 2021, 2022, 2023, and 2024, on occurrence of contingency until December 31, 2025--secs. 13, 14, Ch. 559, L. 2021.)~~

~~**15-36-303. (Temporary -- effective on occurrence of contingency) Definitions.** As used in this part, the following definitions apply:~~

~~(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.~~

~~(2) "Department" means the department of revenue provided for in 2-15-1301.~~

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(16) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.~~

~~(18) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).~~

~~(19) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.~~

~~(b) Qualifying production does not include oil production from a horizontally recompleted well.~~

~~(20) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:~~

~~(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.~~

~~(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.~~

~~(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:~~

~~(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or~~

~~(ii) any other method approved by the board as a secondary recovery method.~~

~~(21) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.~~

~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~

~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(23) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (22)(c).~~

~~(24) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:~~

~~(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.~~

~~(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.~~

~~(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:~~

~~(i) miscible fluid displacement;~~

~~(ii) steam drive injection;~~

~~(iii) micellar/emulsion flooding;~~

~~(iv) in situ combustion;~~

~~(v) polymer augmented water flooding;~~

~~(vi) cyclic steam injection;~~

~~(vii) alkaline or caustic flooding;~~

~~(viii) carbon dioxide water flooding;~~

~~(ix) immiscible carbon dioxide displacement; and~~

~~(x) any other method approved by the board as a tertiary recovery method.~~

~~(25) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.~~

~~(26) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.~~

15-36-303. ~~(Effective January 1, 2026)~~ Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will

result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, *by recompletion of an existing horizontal drain hole,* or by an expanded enhanced recovery project, ~~which volume of production~~ *that* is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

(20) "Production decline rate" means the projected rate of future oil or natural gas production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well *or the recompletion of an existing horizontal drain hole*. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (15)(c).

(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

(i) miscible fluid displacement;

(ii) steam drive injection;

(iii) micellar/emulsion flooding;

(iv) in situ combustion;

(v) polymer augmented water flooding;

(vi) cyclic steam injection;

(vii) alkaline or caustic flooding;

(viii) carbon dioxide water flooding;

(ix) immiscible carbon dioxide displacement; and

(x) any other method approved by the board as a tertiary recovery method.

(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."

Section 2. Section 15-36-304, MCA, is amended to read:

"~~**15-36-304. (Temporary) Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.~~

~~(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:~~

	~~Working Interest~~	~~Nonworking Interest~~
~~(a) (i) first 12 months of qualifying production~~	~~0.5%~~	~~14.8%~~

(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) pre-1999 stripper wells	9.2%	14.8%
(ii) (A) pre-1999 stripper well exemption production	0.5%	14.8%
(B) pre-1999 stripper well bonus production	5%	14.8%
(c) (i) post-1999 stripper wells:		
(A) first 1 through 10 barrels a day production	5.5%	14.8%
(B) more than 10 barrels a day production	9.0%	14.8%
(ii) (A) post-1999 stripper well exemption production	0.5%	14.8%
(B) post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		

~~(A) pre-1999 wells~~	~~12.5%~~	~~14.8%~~
~~(B) post-1999 wells~~	~~9%~~	~~14.8%~~
~~(e) incremental production:~~		
~~(i) new or expanded secondary recovery production~~	~~8.5%~~	~~14.8%~~
~~(ii) new or expanded tertiary production~~	~~5.8%~~	~~14.8%~~
~~(f) horizontally recompleted well:~~		
~~(i) first 18 months~~	~~5.5%~~	~~14.8%~~
~~(ii) after 18 months:~~		
~~(A) pre-1999 wells~~	~~12.5%~~	~~14.8%~~
~~(B) post-1999 wells~~	~~9%~~	~~14.8%~~

~~(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.~~

~~(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.~~

~~(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.~~

~~(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.~~

~~(d) Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.~~

~~(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.~~

~~(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the~~

producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section. (Terminates December 31, 2021, 2022, 2023, and 2024, on occurrence of contingency until December 31, 2025--secs. 13, 14, Ch. 559, L. 2021.)

15-36-304. (Temporary -- effective on occurrence of contingency) Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		

~~(i) first 12 months of qualifying production~~	~~0.5%~~	~~14.8%~~
~~(ii) after 12 months:~~		
~~(A) pre-1999 wells~~	~~12.5%~~	~~14.8%~~
~~(B) post-1999 wells~~	~~9%~~	~~14.8%~~
~~(b) stripper oil production:~~		
~~(i) first 1 through 10 barrels a day production~~	~~5.5%~~	~~14.8%~~
~~(ii) more than 10 barrels a day production~~	~~9.0%~~	~~14.8%~~
~~(c) (i) stripper well exemption production~~	~~0.5%~~	~~14.8%~~
~~(ii) stripper well bonus production~~	~~6.0%~~	~~14.8%~~
~~(d) horizontally completed well production:~~		
~~(i) first 18 months of qualifying production~~	~~0.5%~~	~~14.8%~~
~~(ii) after 18 months:~~		
~~(A) pre-1999 wells~~	~~12.5%~~	~~14.8%~~
~~(B) post-1999 wells~~	~~9%~~	~~14.8%~~
~~(e) incremental production:~~		
~~(i) new or expanded secondary recovery production~~	~~8.5%~~	~~14.8%~~
~~(ii) new or expanded tertiary production~~	~~5.8%~~	~~14.8%~~
~~(f) horizontally recompleted well:~~		
~~(i) first 18 months~~	~~5.5%~~	~~14.8%~~
~~(ii) after 18 months:~~		
~~(A) pre-1999 wells~~	~~12.5%~~	~~14.8%~~
~~(B) post-1999 wells~~	~~9%~~	~~14.8%~~

~~(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.~~

~~(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.~~

~~(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.~~

~~(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production~~

~~from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.~~

~~(d) (i) Stripper well exemption production is taxed as provided in subsection (5)(c)(i) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.~~

~~(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.~~

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.~~

~~(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.~~

15-36-304. ~~(Effective January 1, 2026)~~ Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) pre-1999 stripper wells	9.2%	14.8%
(ii) (A) pre-1999 stripper well exemption production	0.5%	14.8%
(B) pre-1999 stripper well bonus production	5%	14.8%
(c) (i) post-1999 stripper wells:		
(A) first 1 through 10 barrels a day production	5.5%	14.8%
(B) more than 10 barrels a day production	9.0%	14.8%
(ii) (A) post-1999 stripper well exemption production	0.5%	14.8%
(B) post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	~~5.5%~~ *0.5%*	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.

(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

(f) The tax rates under subsection (5)(f) apply only to the incremental production of a horizontally recompleted well.

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Section 3. Section 12, Chapter 559, Laws of 2021, is amended to read:

"Section 12. Effective dates -- applicability. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Sections 1 and 6] are effective January 1, 2022, and apply to the calendar year beginning after December 31, 2021.

(3) [Sections 2 and 7] are effective January 1, 2023, and apply to the calendar years beginning after December 31, 2022.

~~(4) [Sections 3 and 8] are effective January 1, 2024, and apply to the income calendar year beginning after December 31, 2023.~~

~~(5) [Sections 4 and 9] are effective January 1, 2025, and apply to the calendar year beginning after December 31, 2024.~~

~~(6) [Sections 5 and 10] are effective January 1, 2025, and apply to calendar years beginning after December 31, 2025.~~"

Section 4. Section 13, Chapter 559, Laws of 2021, is amended to read:

"Section 13. Termination. ~~(1)~~ [Sections 1 and 6] terminate December 31, 2022.

~~(2) [Sections 2 and 7] terminate December 31, 2023.~~

~~(3) [Sections 3 and 8] terminate December 31, 2024.~~

~~(4) [Sections 4 and 9] terminate December 31, 2025.~~

~~(5) [Section 14] terminates January 1, 2025.~~"

Section 5. Repealer. Sections 3, 4, 5, 8, 9, 10, and 14, Chapter 559, Laws of 2021, are repealed.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 and 2] are effective January 1, 2024.

Approved May 22, 2023

CHAPTER NO. 726

[HB 499]

AN ACT REVISING LICENSED SOCIAL WORKER REQUIREMENTS PERTAINING TO WORK EXPERIENCE; ALLOWING A LICENSED BACCALAUREATE SOCIAL WORKER AND A LICENSED MASTER'S SOCIAL WORKER TO BE LICENSED IN THIS STATE WITH CERTAIN REQUIREMENTS; AND AMENDING SECTIONS 37-22-307 AND 37-22-308, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-22-307, MCA, is amended to read:

"**37-22-307. Licensed baccalaureate social worker requirements -- exemption -- rulemaking.** (1) An applicant to be a licensed baccalaureate social worker:

(a) must have a bachelor's degree in social work from a program accredited by the council on social work education or a program approved by the board by rule; and

(b) *except as provided in subsection (5),* must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and board rule. Some of the required hours must be in direct client contact.

(2) After completing the required supervised work experience as a social worker licensure candidate *or by meeting the requirements of subsection (5)*, the applicant shall:

(a) *subject to subsection (5),* satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the examination may reapply to take the examination and may continue as a social worker licensure candidate, subject to the terms set by the board.

(b) submit a completed application required by the board and the application fee prescribed by the board; and

(c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307. The board may require a criminal background check of applicants and determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(3) A licensed baccalaureate social worker:

(a) is subject to the social work ethical standards adopted under 37-22-201;

(b) may engage in social work activities as provided in 37-22-102(5)(c) through (5)(h);

(c) may engage in practice, as defined by the board, upon receiving a license; and

(d) may use the initials "LBSW" for "licensed baccalaureate social worker".

(4) An applicant is exempt from the examination requirement in subsection (2)(a) if the applicant:

(a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of the United States under laws that have substantially the same requirements as this chapter; and

(b) has passed an examination similar to that required by the board.

(5) ~~Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(a) and may be licensed under this section~~ *An individual who as of January*

1, 2020, has the education required in subsection (1)(a) and engaged in the practice of social work for at least 4,000 aggregate hours during the period from January 1, 2018, to January 1, 2023, may apply for licensure as a baccalaureate social worker without examination, without registering as a licensed social worker candidate, and without meeting the supervised work experience requirement in subsection (1)(b). To be eligible for licensure under this subsection, individuals must demonstrate these requirements to the board on or before December 31, 2024.

~~(6)~~*(6)* The board shall adopt rules to implement this section."

Section 2. Section 37-22-308, MCA, is amended to read:

"**37-22-308. Licensed master's social worker requirements -- rulemaking -- exemption.** (1) An applicant to be a licensed master's social worker:

(a) must have a master's degree in social work from a program accredited by the council on social work education or a program approved by the board by rule; and

(b) *except as provided in subsection (5),* must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and board rule. Some of the required hours must be in direct client contact.

(2) After completing the required supervised work experience as a social worker licensure candidate *or by meeting the requirements in subsection (5),* the applicant shall:

(a) *subject to subsection (5),* satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the examination may reapply to take the examination and may continue as a social worker licensure candidate, subject to the terms set by the board.

(b) submit a completed application required by the board and the application fee prescribed by the board by rule; and

(c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307. The board may require a criminal background check of applicants and determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(3) A licensed master's social worker:

(a) is subject to the social work ethical standards adopted under 37-22-201;

(b) may engage in social work activities as provided in 37-22-102(5)(c) through (5)(h);

(c) may engage in practice, as defined by the board, upon receiving a license; and

(d) may use the initials "LMSW" for "licensed master's social worker".

(4) An applicant is exempt from the examination requirement in subsection (2)(a) if the applicant:

(a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of the United States under laws that have substantially the same requirements as this chapter; and

(b) has passed an examination similar to that required by the board.

~~(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(a) and may be licensed under this section.~~

(5) An individual who as of January 1, 2020, has the education required in subsection (1)(a) and engaged in the practice of social work for at least 4,000 aggregate hours during the period from January 1, 2018, to January 1, 2023,

may apply for licensure as a master's social worker without examination, without registering as a licensed social worker candidate, and without meeting the supervised work experience requirement in subsection (1)(b). To be eligible for licensure under this subsection, individuals must demonstrate these requirements to the board on or before December 31, 2024.

~~(6)~~*(6)* The board shall adopt rules to implement this section."

Section 3. Coordination instruction. If both House Bill No. 137 and [this act] are passed and approved and if House Bill No. 137 repeals both 37-22-307 and 37-22-308, then [sections 1 and 2 of this act] are void and [section 10 of House Bill 137] must be amended as follows:

Section 10. Social work license required -- qualification. (1) A person may not practice social work unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) Except as provided in subsection (6), an applicant for a clinical social work license must have:

(a) completed a master's or doctoral degree in social work from an approved program;

(b) successfully completed 3,000 hours of supervised social work practice; and

(c) passed an approved examination.

(3) ~~An~~ *Except as provided in subsection (8), an* applicant for a master's social work license must have:

(a) completed a master's degree in an approved program;

(b) successfully completed the ~~2,000~~ *the required* hours of supervised social work practice *as determined by board rule*; and

(c) passed an approved examination.

(4) ~~An~~ *Except as provided in subsection (8), an* applicant for a baccalaureate social work license must have:

(a) completed a bachelor's degree in social work from an approved program;

(b) successfully completed the ~~2,000~~ *the required* hours of supervised social work practice *as determined by board rule*; and

(c) passed an approved examination.

(5) A clinical social work licensee may engage in the independent practice of social work as defined in board rule.

(6) An applicant for a clinical social work license who has not completed the degree requirements of subsection (2)(a) may be licensed if the applicant meets requirements established by the board by rule for additional postdegree social work experience equivalent to the provisions of subsections (2)(a) and (2)(b).

(7) The supervised social work practice required by this section must be completed as provided in [section 9] and as prescribed by the board by rule.

(8) An individual who as of January 1, 2020, has the education required in subsection (3) or (4) and has engaged in the practice of social work for at least 4,000 hours aggregate during the period of January 1, 2018, to January 1, 2023, may apply for licensure as a baccalaureate or master's social worker without examination, without registering as a licensed social worker candidate, and without meeting the required supervised hours pursuant to subsection (3) or (4). To be eligible for licensure under this subsection, an individual shall demonstrate these requirements to the board on or before December 31, 2024."

Approved May 22, 2023

CHAPTER NO. 727

[HB 520]

AN ACT REQUIRING A STUDY ON THE EFFECTS OF PRIVATE PONDS ON THE STATE, PERMITTING, WATER RIGHTS, AND OPTIONS TO MITIGATE NEGATIVE IMPACTS, INCLUDING INVASIVE SPECIES AND THREATS TO WILD FISH AND AQUATIC RESOURCES; ASSIGNING THE STUDY TO THE WATER POLICY INTERIM COMMITTEE; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, Montana's world-class fisheries are rooted in a philosophy of wild fish management; and

WHEREAS, high-quality fisheries that rely on self-sustaining wild fish and high-quality aquatic habitat may be negatively impacted by private ponds; and

WHEREAS, often touted to increase property values, more than 10,000 pond permits have been issued—most of which remain active; and

WHEREAS, the department of fish, wildlife, and parks issues about 200 pond permits annually to stock fish, and the permit review is complex and burdensome leading to inconsistent administration statewide; and

WHEREAS, the department cost of managing private pond issues far outweighs the cost of the permit—$10 for a 10-year permit or $10 annually for a commercial production pond permit; and

WHEREAS, private ponds can provide optimal environments for invasive species and pathogen introduction and propagation; and

WHEREAS, the number of permitted in-state commercial hatcheries providing fish for private pond stocking declined over the last decade, and four of the remaining five commercial hatcheries are on limited quarantine due to invasive species or pathogen detection; and

WHEREAS, applications for importing stocked fish have increased fivefold because of limited in-state sources, increasing the risk of introducing nontarget species that could damage aquatic resources; and

WHEREAS, stocking private ponds illegally from nonpermitted out-of-state commercial hatcheries is also on the rise due in part to easy access to fish purchased online and from other sources; and

WHEREAS, frequent and severe drought years in southwest Montana harm agriculture and fisheries, yet pond development continues, bringing with it increased water temperature and water loss from evaporation; and

WHEREAS, it is critical to fully understand how the development of ponds may impact constitutionally protected water rights; and

WHEREAS, the prior appropriation doctrine and Montana Water Use Act must be considered when evaluating the cumulative impacts of ponds and the associated consumption of water; and

WHEREAS, the impact of ponds on existing water rights is an important element of determining the level and type of permitting that is necessary for ponds.

Be it enacted by the Legislature of the State of Montana:

Section 1. Study of private ponds. (1) The water policy interim committee, provided for in 5-5-231, shall study issues related to private ponds as defined in 87-4-603.

(2) The study must examine:

(a) private pond policies, including permitting and protocols;

(b) impacts of private ponds on aquatic resources as well as water quality and quantity related to drought, high water temperatures, and evaporation and options to mitigate these impacts;

(c) costs of regulating private ponds, including for permitting, enforcement, fines, fees, and restitution; and

(d) options to provide in-state certified fish to stock private ponds.

(3) The water policy interim committee shall complete the study by September 15, 2024, and report its findings and recommendations, including legislation, to the 69th legislature.

Section 2. Appropriation. There is appropriated $50,000 from the general fund to the legislative services division for the biennium beginning July 1, 2023, to pay for costs associated with the study required by [section 1].

Section 3. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation in [section 2] is vetoed, then [this act] is void.

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Termination. [Section 1] terminates December 31, 2024.

Approved May 22, 2023

CHAPTER NO. 728

[HB 539]

AN ACT GENERALLY REVISING ALCOHOLIC BEVERAGE LAWS; ALLOWING AN ALCOHOLIC BEVERAGES LICENSEE TO OPERATE A GUEST RANCH AND SERVE ALCOHOL AT THE PREMISES; REVISING DEFINITIONS; REVISING LAWS RELATED TO LICENSE LAPSE; REVISING LAWS RELATING TO MONTANA DISTILLERY HOURS OF OPERATION; ALLOWING LICENSED RETAILERS TO PURCHASE BEER AND TABLE WINE FROM LICENSED IN-STATE RETAILERS AND PROVIDING LIMITATIONS; AMENDING SECTIONS 16-1-106, 16-3-301, 16-3-302, 16-3-311, AND 16-4-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-1-106, MCA, is amended to read:

"**16-1-106. Definitions.** As used in this code, the following definitions apply:

(1) "Agency franchise agreement" means an agreement between the department and a person appointed to sell liquor and table wine as a commission merchant rather than as an employee.

(2) "Agency liquor store" means a store operated under an agency franchise agreement in accordance with this code for the purpose of selling liquor at either the posted or the retail price for off-premises consumption.

(3) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) "Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) "Beer" means:

(i) a malt beverage containing not more than 8.75% of alcohol by volume; or

(ii) an alcoholic beverage containing not more than 14% alcohol by volume:

(A) that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and

(B) in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) "Beer importer" means a person other than a brewer who imports malt beverages.

(7) "Brewer" means a person who produces malt beverages.

(8) "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer and from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 0.5% of alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 0.5% of alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

(9) "Community" means:

(a) in an incorporated city or town, the area within the incorporated city or town boundaries;

(b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and

(c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.

(10) "Concessionaire" means an entity that has a concession agreement with a licensed entity.

(11) "Curbside pickup" means the sale of alcoholic beverages that meets the requirements of 16-3-312.

(12) "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.

(13) "Growler" means any fillable, sealable container complying with federal law.

(14) (a) "Guest ranch" means a business or organization that provides guests with overnight lodging, dining, and onsite outdoor recreational activities typical of western ranching for the purposes of vacation or recreation.

Recreational activities offered by a guest ranch may include but are not limited to horseback riding, wagon or sleigh rides, fishing, shooting, and working with livestock. The premises of a guest ranch must comprise at least 50 contiguous acres. The premises must be entirely located outside the license quota area of an incorporated city or an incorporated town as determined under 16-4-105(1) or 16-4-201. The premises of a guest ranch may include restaurants, sporting and recreational equipment shops, event venues, arenas, and other facilities that may be used by other persons in addition to the overnight guests.

(b) The term does not include premises used as rehabilitation centers, group homes, clinics, nursing homes, church or other religious campgrounds, or other similar uses.

~~(14)~~*(15)* "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of alcohol by volume and not more than 8.5% of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

~~(15)~~*(16)* "Immediate family" means a spouse, dependent children, or dependent parents.

~~(16)~~*(17)* "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.

~~(17)~~*(18)* "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

~~(18)~~*(19)* "Malt beverage" means:

(a) an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption; or

(b) an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses that has not undergone distillation.

~~(19)~~*(20)* (a) "Original package" means the sealed container in which a manufacturer packages its product for retail sale.

(b) The term includes but is not limited to:

(i) bottles;

(ii) cans; and

(iii) kegs.

~~(20)~~*(21)* "Package" means a container or receptacle used for holding an alcoholic beverage.

~~(21)~~*(22)* "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code. In the case of sacramental wine sold in agency liquor stores, the wholesale price may not exceed the sum of the department's cost to acquire the sacramental wine, the department's current freight rate to agency liquor stores, and a 20% markup.

~~(22)~~*(23)* "Prepared serving" means a container of alcoholic beverages, filled at the time of sale and sealed with a lid, for consumption at a place other than the licensee's premises.

~~(23)~~*(24)* "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.

~~(24)~~*(25)* "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

~~(25)~~*(26)* "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

~~(26)~~*(27)* "Rules" means rules adopted by the department or the department of justice pursuant to this code.

~~(27)~~*(28)* "Sacramental wine" means wine that contains more than 0.5% but not more than 24% of alcohol by volume that is manufactured and sold exclusively for use as sacramental wine or for other religious purposes.

~~(28)~~*(29)* "Special event", as it relates to an application for a beer and wine special permit, means a short, infrequent, out-of-the-ordinary occurrence, such as a picnic, fair, reception, or sporting contest.

~~(29)~~*(30)* "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.

~~(30)~~*(31)* "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

~~(31)~~*(32)* "Subwarehouse" means a building or structure owned or operated by a licensed beer wholesaler or table wine distributor, located at a site in Montana other than the site of the beer wholesaler's or table wine distributor's warehouse or principal place of business, and used for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(32)~~*(33)* "Table wine" means wine that contains not more than 16% of alcohol by volume and includes cider.

~~(33)~~*(34)* "Table wine distributor" means a person importing into or purchasing in Montana table wine or sacramental wine for sale or resale to retailers licensed in Montana.

~~(34)~~*(35)* "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed beer wholesaler or table wine distributor for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(35)~~*(36)* "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine."

Section 2. Section 16-3-301, MCA, is amended to read:

"**16-3-301. Unlawful purchases, transfers, sales, or deliveries -- presumption of legal age.** (1) It is unlawful for a licensed retailer to purchase or acquire beer or wine from anyone except a brewery, winery, or wholesaler licensed under the provisions of this code except as allowed in 16-4-213(8).

(2) It is unlawful for a licensed retailer to transport beer or wine from one licensed premises or other facility to any other licensed premises owned by the licensee except as allowed in 16-4-213(8).

(3) It is unlawful for a licensed retailer to purchase or acquire liquor from anyone except an agency liquor store except as allowed in 16-4-213(8).

(4) It is unlawful for a licensed wholesaler to purchase beer or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

(5) It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

(6) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, upon conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

(7) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

(8) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance upon the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages.

(9) A licensed retailer may purchase beer and table wine from a licensed in-state retailer and transport the purchased beer and table wine to the licensed retailer's premises. The department may penalize retailers purchasing beer and table wine from out-of-state retailers subject to this code. Purchases under this subsection are limited to a maximum of 6 gallons a day. (See compiler's comments for contingent termination of certain text.)"

Section 3. Section 16-3-302, MCA, is amended to read:

"**16-3-302. Sale by retailer for consumption on premises.** (1) It is lawful for a licensed retailer to sell and serve beer, either on draught or in containers, to the public to be consumed on the premises of the retailer.

(2) It is lawful for a licensee who has an all-beverages license that the licensee uses at a golf course to sell alcoholic beverages and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine:

(a) in the building or other structural premises constituting the clubhouse or primary indoor recreational quarters of the golf course; and

(b) at any place within the boundaries of the golf course, from a portable satellite vehicle or other movable satellite device that is moved from place to place, whether inside or outside of a building or other structure.

(3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place within the boundaries of the golf course, whether inside or outside of a building or other structure.

(4) (a) It is lawful for a licensee who has an all-beverages license or has a retail license issued under 16-4-105 to sell and serve alcoholic beverages for

which the licensee is licensed at a guest ranch as defined in 16-1-106. The guest ranch must be owned by the licensee or by a concessionaire with which the licensee has a concession agreement under 16-4-418. For a license operated at a guest ranch, alcoholic beverages may be served anytime within the outdoor portions of the licensed premises and in one permanent building at any time during the hours allowed under 16-3-304.

(b) An applicant or licensee desiring to operate a license as described in this subsection (4) shall submit to the department a premises floorplan that describes the premises as a guest ranch and depicts both the indoor and outdoor portions of the premises. The floorplan must be submitted to the department as part of a license application or as part of a premises alteration request as described in 16-3-311(2).

(c) A license operated at a guest ranch is subject to the requirements that are applicable to retail licenses generally, including the premises suitability provisions of 16-3-311, except that:

(i) the premises may include any number of temporary, mobile, or partial structures, including but not limited to tents, teepees, yurts, picnic shelters, recreational vehicles, wagons, trailers, or any other structures that are not permanent buildings, provided that all temporary, mobile, or partial structures may not be used for alcohol storage purposes unless approved by the department, and may only be used for alcohol service and consumption if they remain within the licensee's approved outdoor premises area;

(ii) the premises may include any outdoor areas in which the licensee or concessionaire has possessory interest, which may be demonstrated by property ownership records, a lease agreement, a concession agreement, or other evidence of possessory interest acceptable to the department;

(iii) the premises may be separated by roadways, waterways, natural barriers, or fence lines if the premises are otherwise contiguous;

(iv) a perimeter barrier is not required if the property line is otherwise marked; and

(v) the premises may be identified on the license by legal description rather than by building address.

(d) For the purposes of this subsection (4), the term "permanent building" means a fixed, nonmobile structure with floor-to-ceiling exterior walls, a full roof, electrical wiring, and plumbing fixtures.

(5) (a) It is lawful for a licensee who has an all-beverages license or a resort area all-beverages license to sell alcoholic beverages:

(i) in the building or other structural premises constituting the primary indoor lodging quarters of a hotel or other short-term lodging facility;

(ii) if the licensee's premises include a swimming pool, in a permanent, licensed alcohol service structure in the swimming pool area separate from the main licensed premises;

(iii) if the licensee's premises include a ski hill, in up to two permanent, licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same premises that are owned, leased, or otherwise under the control of and operated by the same property owner, licensee, and if applicable, concessionaire;

(iv) if the licensee's premises include a golf course, the premises in addition to the main licensed premises may include:

(A) the building or alcohol service structure constituting the clubhouse or primary recreational quarters of the golf course that is separate from the main licensed premises; and

(B) the outdoor area within the boundaries of the golf course.

(b) Buildings or structural premises allowed under this subsection (5) may be separate from the building compromising the main licensed premises but must otherwise meet the premises suitability requirements of 16-3-311. The licensee shall pay an application fee of $100 for each area allowed under this subsection (5)."

Section 4. Section 16-3-311, MCA, is amended to read:

"**16-3-311. Suitable premises for licensed retail establishments.** (1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages*, except as otherwise allowed in 16-3-302(5)*. The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated. Except as provided in subsection (8), the premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. *A licensee may lease the kitchen or another specified area to allow another business entity to operate a business within its premises without permanent floor-to-ceiling walls and without a concession agreement if the other business does not take orders for, serve, or deliver alcohol and has a separate point of sale system.* If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access.

(b) A resort retail all-beverages licensee*,* ~~or~~ a retail all-beverages licensee*, or an on-premises consumption beer and wine licensee* within the boundaries of a resort area may also utilize ~~an~~ *up to three* alternate alcoholic beverage storage ~~facility~~ *facilities* as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as painting, carpeting, or other interior decorating, is not considered an alteration under this section. *If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval.*

(3) The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.

(4) The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(5) Premises suitability does not include a minimum number of seats.

(6) A licensed *on-premises* retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed *on-premises* retailer approved for onsite alcoholic beverage storage*, either onsite* separate from its service area *or offsite within 10 miles of the premises* as long as the licensed *on-premises* retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. *Alcohol stored at an offsite noncontiguous storage area must be transported only by the licensee or the licensee's employees who are 21 years of age or older.* The application fee is $100. *On department approval, an on-premises consumption retailer's keg storage and beer lines running into the licensed premises may be in a noncontiguous storage area provided that the licensee is able to maintain control and adequate safeguards are in place to prevent public access.*

(7) A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units, and the prestocking of alcoholic beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is $100. *Licensees may receive alcohol deliveries at a noncontiguous storage area.*

(8) An on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation.

(9) (a) For the purposes of this section, "adequate physical separation" means:

(i) the premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation as specified in 16-3-213(2)(b); and

(ii) the separation may include doors, gates, or windows that may be left open during business hours.

(b) The term does not require permanent floor-to-ceiling walls."

Section 5. Section 16-4-312, MCA, is amended to read:

"**16-4-312. Domestic distillery.** (1) A distillery located in Montana and licensed pursuant to 16-4-311 may:

(a) import necessary products in bulk;

(b) bottle, produce, blend, store, transport, or export liquor that it produces; *and*

(c) perform those operations that are permitted for bonded distillery premises under applicable regulations of the United States department of the treasury.

(2) (a) A distillery that is located in Montana and licensed pursuant to 16-4-311 shall sell liquor to the department under this code, and the department shall include the distillery's liquor as a listed product.

(b) The distillery may use a common carrier for delivery of the liquor to the department.

(c) A distillery that produces liquor within the state under this subsection (2) shall maintain records of all sales and shipments. The distillery shall furnish monthly and other reports concerning quantities and prices of liquor that it ships to the department and other information that the department may determine to be necessary to ensure that distribution of liquor within this state conforms to the requirements of this code.

(3) A microdistillery may:

(a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for prepared servings*:*

(i) ~~though~~ *through* curbside pickup between 10 a.m. and 8 p.m.*; and*

(ii) ~~or consumption on the premises between 10 a.m. and 8 p.m.~~ *for on-premises consumption during the hours of operation that are identical to those allowed for a brewery license provided for in 16-3-213(2)(b) and corresponding administrative rules relating to the service, consumption, and possession of alcoholic beverages on the premises*; or

(b) sell liquor in original packaging that it produces at retail at the distillery between the hours of 8 a.m. and 2 a.m. directly to the consumer, including curbside pickup, for off-premises consumption if:

(i) not more than ~~1.75~~ *4.5* liters a day is sold to an individual; and

(ii) the minimum retail price as determined by the department is charged."

Section 6. Transition. The department shall revise its administrative rules implementing 16-3-213 and 16-4-312 or any other applicable statute to include sample room hours of operations that are identical for Montana distilleries and breweries. The intent of this act is to make the hours of operation for service to and consumption and possession of alcohol by consumers at breweries and distilleries equal.

Section 7. Coordination instruction. If both House Bill No. 164 and [this act] are passed and approved and both contain a section that amends 16-1-106 to provide a definition for the term "guest ranch", then [section 1 of this act], amending 16-1-106, is void.

Section 8. Coordination instruction. If both Senate Bill No. 75 and [this act] are passed and approved and both contain a section that amends 16-3-302, then the sections amending 16-3-302 are void and 16-3-302 must be amended as follows:

"16-6-302. Sale by retailer for consumption on premises. (1) It is lawful for a licensed retailer to sell and serve beer, either on draught or in containers, to the public to be consumed on the premises of the retailer.

(2) It is lawful for a licensee who has an all-beverages license that the licensee uses at a golf course to sell alcoholic beverages and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine:

(a) in the building or other structural premises constituting the clubhouse or primary indoor recreational quarters of the golf course; and

(b) at any place within the boundaries of the golf course, from a portable satellite vehicle or other movable satellite device that is moved from place to place, whether inside or outside of a building or other structure.

(3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place within the boundaries of the golf course, whether inside or outside of a building or other structure.

(4) (a) It is lawful for a licensee who has an all-beverages license or a resort area all-beverages license to sell alcoholic beverages:

(i) in the building or other structural premises constituting the primary indoor lodging quarters of a hotel or other short-term lodging facility;

(ii) if the licensee's premises include a swimming pool, in a permanent, licensed alcohol service structure in the swimming pool area separate from the main licensed premises;

(iii) if the licensee's premises include a ski hill, in up to two permanent, licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same premises that are owned, leased, or otherwise under the control of and operated by the same property owner, licensee, and if applicable, concessionaire;

(iv) if the licensee's premises include a golf course, the premises in addition to the main licensed premises may include:

(A) the building or alcohol service structure constituting the clubhouse or primary recreational quarters of the golf course that is separate from the main licensed premises; and

(B) the outdoor area within the boundaries of the golf course.

(b) Buildings or structural premises allowed under this subsection (4) may be separate from the building comprising the main licensed premises but must otherwise meet the premises suitability requirements of 16-3-311. The licensee shall pay an application fee of $100 for each area allowed under this subsection (4).

(5) (a) It is lawful for a licensee who has an all-beverages license or has a retail license issued under 16-4-105 to sell and serve alcoholic beverages for which the licensee is licensed at a guest ranch as defined in 16-1-106. The guest ranch must be owned by the licensee or by a concessionaire with which the licensee has a concession agreement under 16-4-418. For a license operated at a guest ranch, alcoholic beverages may be served anytime within the outdoor portions of the licensed premises and in one permanent building at any time during the hours allowed under 16-3-304.

(b) An applicant or licensee desiring to operate a license as described in this subsection (5) shall submit to the department a premises floorplan that describes the premises as a guest ranch and depicts both the indoor and outdoor portions of the premises. The floorplan must be submitted to the department as part of a license application or as part of a premises alteration request as described in 16-3-311(2).

(c) A license operated at a guest ranch is subject to the requirements that are applicable to retail licenses generally, including the premises suitability provisions of 16-3-311, except that:

(i) the premises may include any number of temporary, mobile, or partial structures, including but not limited to tents, teepees, yurts, picnic shelters, recreational vehicles, wagons, trailers, or any other structures that are not permanent buildings, provided that all temporary, mobile, or partial structures may not be used for alcohol storage purposes unless approved by the department, and may only be used for alcohol service and consumption if they remain within the licensee's approved outdoor premises area;

(ii) the premises may include any outdoor areas in which the licensee or concessionaire has possessory interest, which may be demonstrated by property ownership records, a lease agreement, a concession agreement, or other evidence of possessory interest acceptable to the department;

(iii) the premises may be separated by roadways, waterways, natural barriers, or fence lines if the premises are otherwise contiguous;

(iv) a perimeter barrier is not required if the property line is otherwise marked; and

(v) the premises may be identified on the license by legal description rather than by building address.

(d) For the purposes of this subsection (5), the term "permanent building" means a fixed, nonmobile structure with floor-to-ceiling exterior walls, a full roof, electrical wiring, and plumbing fixtures."

Section 9. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 729

[HB 569]

AN ACT GENERALLY REVISING PENSION LAWS; PROVIDING SUPPLEMENTAL FUNDING FOR THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM TO AMORTIZE THE SYSTEMS IN 25 YEARS; PROVIDING APPROPRIATIONS; REVISING CONTRIBUTIONS IN THE JUDGES' RETIREMENT SYSTEM, THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM TO PROVIDE FOR AN ACTUARIALLY DETERMINED CONTRIBUTION; REVISING RETIREMENT CRITERIA FOR NEW MEMBERS IN THE SHERIFFS' RETIREMENT SYSTEM AND THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM; AMENDING SECTIONS 15-10-420, 17-7-502, 19-2-405, 19-2-409, 19-5-404, 19-6-404, 19-6-501, 19-7-403, 19-7-404, 19-7-501, AND 19-8-504, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Highway patrol officers' retirement system appropriation. There is appropriated $27.6 million from the general fund to the Montana public employees' retirement board for the fiscal year beginning July 1, 2023, to amortize the highway patrol officers' retirement system in 25 years.

Section 2. Sheriffs' retirement system appropriation. There is appropriated $26.8 million from the general fund to the Montana public employees' retirement board for the fiscal year beginning July 1, 2023, to amortize the sheriffs' retirement system in 25 years.

Section 3. Game wardens' and peace officers' retirement system. There is appropriated $41.2 million from the general fund to the Montana public employees' retirement board for the fiscal year beginning July 1, 2023, to amortize the game wardens' and peace officers' retirement system in 25 years.

Section 4. Section 15-10-420, MCA, is amended to read:

"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current

year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

(i) annexation of real property and improvements into a taxing unit;

(ii) construction, expansion, or remodeling of improvements;

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value:

(i) that arises because of an increase in the incremental value within a tax increment financing district; or

(ii) caused by the termination of an exemption that occurs due to the American Rescue Plan Act, Public Law 117-2, and section 14, Chapter 506, Laws of 2021.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under ~~19-7-404(2)(b)~~ *19-7-404(3)(b)*; or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit. (Subsection (3)(b)(ii) terminates December 31, 2025--sec. 13(5), Ch. 506, L. 2021.)"

Section 5. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; ~~19-6-404;~~ 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004

terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 6. Section 19-2-405, MCA, is amended to read:

"**19-2-405. Employment of actuary -- annual investigation and valuation.** (1) The board shall retain a competent actuary who is an enrolled member of the American academy of actuaries and who is familiar with public systems of pensions. The actuary is the technical adviser of the board on matters regarding the operation of the retirement systems.

(2) The board shall require the actuary to make and report on an annual actuarial investigation into the suitability of the actuarial tables used by the retirement systems and an actuarial valuation of the assets and liabilities of each defined benefit plan that is a part of the retirement systems.

(3) The normal cost contribution rate, which is funded by required employee contributions and a portion of the required employer contributions to each defined benefit retirement plan, must be calculated as the level percentage of members' salaries that will actuarially fund benefits payable under a retirement plan as those benefits accrue in the future.

(4) ~~(a)~~ The unfunded liability contribution rate, which is entirely funded by a portion of the required employer contributions to the retirement plan, must be calculated as the level percentage of current and future defined benefit plan members' salaries that will amortize the unfunded actuarial liabilities of the retirement plan over a reasonable period of time, not to exceed 30 years, as determined by the board*, except as provided in 19-5-404, 19-6-404, 19-7-404, and 19-8-504*.

~~(b) In determining the amortization period under subsection (4)(a) for the public employees' retirement system's defined benefit plan, the actuary shall take into account the plan choice rate contributions to be made to the defined benefit plan pursuant to 19-3-2117 and 19-21-214.~~

(5) The board shall require the actuary to conduct and report on a periodic actuarial investigation into the actuarial experience of the retirement systems and plans.

(6) The board may require the actuary to conduct any valuation necessary to administer the retirement systems and the plans subject to this chapter.

(7) The board shall provide copies of the reports required pursuant to subsections (2) and (5) to the state administration and veterans' affairs interim committee and to the legislature pursuant to 5-11-210.

(8) The board shall require the actuary to prepare for each employer participating in a retirement system the disclosures or the information required to be included in the disclosures as required by law and by the governmental accounting standards board or its generally recognized successor."

Section 7. Section 19-2-409, MCA, is amended to read:

"**19-2-409. Plans to be funded on actuarially sound basis -- definition.** *(1)* As required by Article VIII, section 15, of the Montana constitution, each system must be funded on an actuarially sound basis. For *the* purposes of this section, "actuarially sound basis" means that contributions to each retirement plan must be sufficient to pay the full actuarial cost of the plan.

(2) (a) For a defined benefit plan, the full actuarial cost includes both the normal cost of providing benefits as they accrue in the future and the cost of amortizing unfunded liabilities over a scheduled period of no more than 30 years*, except that with respect to the judges' retirement system, the highway patrol officers' retirement system, the sheriffs' retirement system, and the game*

wardens' and peace officers' retirement system, the unfunded liabilities must be paid over the periods provided for in 19-5-404, 19-6-404, 19-7-404, and 19-8-504, respectively.

(b) For the defined contribution plan, the full actuarial cost is the contribution defined by law that is payable to an account on behalf of the member."

Section 8. Section 19-5-404, MCA, is amended to read:

"**19-5-404. State employer contribution -- *definitions.*** (1) *(a)* Beginning July 1, 2023, ~~and except as provided in subsections (2) and (3),~~ the state shall pay as employer contributions ~~14.0% of the compensation paid to all of the employer's employees, except those properly excluded from membership~~ *an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year.*

(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-5-402:

(i) the contribution rate determined under subsection (1)(c) to pay for the contemporary unfunded liability; and

(ii) the contribution rate determined under subsection (1)(d) to pay for the normal cost of benefits as they accrue.

(c) The contribution rate under subsection (1)(b)(i) for the contemporary unfunded liability must be the amount required on a level percentage basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.

(d) The contribution rate under subsection (1)(b)(ii) for the normal cost of benefits as they accrue must be the amount required on a level percentage basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.

~~(2) Beginning July 1, 2023, and except as provided in subsection (3), the state shall contribute monthly from the natural resources operations state special revenue account, established in 15-38-301, to the judges' pension trust fund an amount equal to 14.0% of the compensation paid to the chief water court judge. The judiciary shall include in its budget and shall request for legislative appropriation an amount necessary to defray the state's portion of the costs of this section.~~

(2) (a) Beginning July 1, 2024, the state shall contribute monthly from the natural resources operations special state revenue account, established in 15-38-301, to the judges' pension trust fund an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation for the chief water court judge. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year.

(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided in 19-5-402:

(i) the contribution rate determined under subsection (2)(c) to pay for the contemporary unfunded liability; and

(ii) the contribution rate determined under subsection (2)(d) to pay for the normal cost of benefits as they accrue.

(c) The contribution rate under subsection (2)(b)(i) for the contemporary unfunded liability must be the amount required on a level percentage basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.

(d) The contribution rate under subsection (2)(b)(ii) for the normal cost of benefits as they accrue must be the amount required on a level percentage basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.

~~(3) If, based on the most recently available actuarial study for the judges' retirement system, the funded ratio of the plan drops below 120% funded, the employer contribution rates in subsections (1) and (2) must be increased to 25.81%.~~

~~(4)~~*(3)* For the first full pay period of July 2021 through the last full pay period ending June 2023, and except as provided in subsection (5) *(4)*, the state shall pay as employer contributions 0% of the compensation paid to all of the employer's employees, except those properly excluded from membership.

~~(5)~~*(4)* For the first full pay period of July 2021 through the last full pay period ending June 2023, the state shall contribute monthly from the natural resources operations state special revenue account, established in 15-38-301, to the judges' pension trust fund an amount equal to 0% of the compensation paid to the chief water court judge. The judiciary shall include in its budget and shall request for legislative appropriation an amount necessary to defray the state's portion of the costs of this section.

(5) For the purposes of this section, the following definitions apply:

(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.

(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023. (Subsections ~~(4) and (5)~~ *(3) and (4)* terminate June 30, 2023--sec. 3, Ch. 272, L. 2021.)"

Section 9. Section 19-6-404, MCA, is amended to read:

"**19-6-404. State employer contribution -- ~~statutory appropriation~~ *definitions.*** *(1) (a)* ~~The~~ *From July 1, 2023, through June 30, 2024, the* state shall pay as employer contributions ~~38.33%~~ *38.33%* of compensation paid to all of the employer's employees, except those properly excluded from membership.~~, from the following sources:~~

~~(1) an amount equal to 28.15% of the total compensation of the members, which is payable, as appropriated by the legislature, from the same source that is used to pay compensation to the members; and~~

~~(2) an amount equal to 10.18% of the total compensation of the members, which is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund.~~

(b) Beginning July 1, 2023, and each fiscal year thereafter, the state treasurer shall transfer $500,000 from the state special revenue fund provided for in 17-2-102 to the highway patrol officers' retirement pension trust fund by August 15. This transfer must terminate when the public employees' retirement board's actuary determines that the funded ratio for the highway patrol officers' pension system is 100% funded.

(2) (a) Beginning July 1, 2024, the state shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.

(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-6-402:

(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;

(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and

(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.

(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.

(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.

(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.

(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.

(3) For the purposes of this section, the following definitions apply:

(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.

(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023."

Section 10. Section 19-6-501, MCA, is amended to read:

"**19-6-501. Eligibility for service retirement benefit.** (1) *(a)* Subject to a member's right to a refund of the member's accumulated contributions under Title 19, chapter 2, part 6, a member *hired on or before June 30, 2023,* is eligible to receive a nonforfeitable service retirement benefit under 19-6-502 after completing 20 years or more of membership service and terminating service.

(b) Subject to a member's right to a refund of the member's accumulated contributions under Title 19, chapter 2, part 6, a member hired on or after July 1, 2023, is eligible to receive a nonforfeitable service retirement benefit under 19-6-502 after completing 20 years or more of membership service, reaching the age of 50, and terminating service.

(2) For purposes of compliance with section 411 of the Internal Revenue Code, 26 U.S.C. 411, a vested member ~~who has attained the later of age 50 or the completion of 20 years of membership service has~~ *is treated as having* attained normal retirement age and has a nonforfeitable right to the member's service retirement."

Section 11. Section 19-7-403, MCA, is amended to read:

"**19-7-403. Member's contributions deducted.** (1) (a) Subject to subsection (1)(b), each member's contribution is 10.495% of the member's compensation.

(b) The member's contribution required under *this* subsection (1) must be reduced to 9.245% on July 1 following the board's receipt of the system's actuarial valuation if: *the report shows that the funded ratio for the sheriffs' retirement system is at least 100%.*

~~(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments that become effective after the valuation, is less than 25 years; and~~

~~(ii) reducing the member contributions and terminating the additional employer contributions pursuant to 19-7-404(4)(b) would not cause the system's amortization period as of the most recent actuarial valuation to exceed 25 years.~~

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and salary as used to define the member's highest average compensation in 19-7-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

Section 12. Section 19-7-404, MCA, is amended to read:

"**19-7-404. Employer contributions -- *definitions.*** (1) ~~Each~~ *From July 1, 2023, through June 30, 2024, each* employer shall pay ~~9.535%~~ *13.115%* of the compensation paid to all of the employer's employees ~~plus any additional contribution under subsection (3), except for those employees properly excluded from membership~~.

(2) (a) Beginning July 1, 2024, each employer shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.

(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-7-403:

(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;

(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and

(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.

(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.

(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.

(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.

(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.

~~(2)~~*(3)* (a) If the required contributions under ~~subsections (1) and (3)(a)~~ *subsections (1) and (2)* exceed the funds available to a county from general revenue sources, a county may, subject to 15-10-420, budget, levy, and collect annually a tax on the taxable value of all taxable property within the county that is sufficient to raise the amount of revenue needed to meet the county's obligation.

(b) (i) A county may impose a mill levy to fund the employer contribution required under ~~subsection (3)(b)~~ *subsections (1) and (2)*. The mill levy is not subject to 15-10-420(1) or to approval at an election under 15-10-425.

(ii) Each year prior to implementing a levy under subsection ~~(2)(b)(i)~~ *(3)(b)(i)*, after notice of the hearing given under 7-1-2121, a public hearing must be held regarding any proposed increase.

(iii) If a levy pursuant to this subsection ~~(2)(b)~~*(3)(b)* is decreased or ceases to be levied, the revenue may not be combined with the revenue determined in 15-10-420(1)(a).

(4) For the purposes of this section, the following definitions apply:

(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.

(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023.

~~(3) Subject to subsection (4), each employer shall contribute to the system additional employer contributions equal to:~~

~~(a) 0.58% of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership; and~~

~~(b) 3% of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership.~~

~~(4) (a) The board shall periodically review the additional employer contributions provided for under subsection (3) and recommend adjustments~~

~~to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.~~

~~(b) The employer contributions required under subsection (3) terminate on July 1 following the board's receipt of the system's actuarial valuation if:~~

~~(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements that become effective after the valuation, is less than 25 years; and~~

~~(ii) terminating the additional employer contributions and reducing the member contributions pursuant to 19-7-403(1)(b) would not cause the amortization period to exceed 25 years.~~"

Section 13. Section 19-7-501, MCA, is amended to read:

"**19-7-501. Eligibility for service retirement.** (1) *(a)* Subject to a member's right to a refund of the member's accumulated contributions under Title 19, chapter 2, part 6, a member *hired on or before June 30, 2023,* who has completed at least 20 years of membership service is eligible for a nonforfeitable service retirement benefit under 19-7-503.

(b) Subject to a member's right to a refund of the member's accumulated contributions under Title 19, chapter 2, part 6, a member hired on or after July 1, 2023, who has completed at least 20 years of membership service and reached 50 years of age is eligible for a nonforfeitable service retirement benefit under 19-7-503.

(2) For purposes of compliance with section 411 of the Internal Revenue Code, 26 U.S.C. 411, a vested member ~~who has attained the later of age 50 or the completion of 20 years of membership service has attained normal retirement age and~~ *described in subsection (1)(a) or (1)(b) is treated as having attained normal retirement age and* has a nonforfeitable right to the member's service retirement."

Section 14. Section 19-8-504, MCA, is amended to read:

"**19-8-504. Employer's contribution -- *definitions.*** *(1)* ~~The~~ *From July 1, 2023, through June 30, 2024, the* employer shall pay as employer contributions ~~9%~~ *10.56%* of the compensation paid to all of the employer's employees, except those properly excluded from membership. ~~The department of fish, wildlife, and parks shall include in its budget and shall request for legislative appropriation an amount necessary to defray the state's portion of the costs of this section.~~

(2) (a) Beginning July 1, 2024, each employer shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.

(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided in 19-8-502:

(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;

(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and

(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.

(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.

(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.

(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.

(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.

(3) For the purposes of this section, the following definitions apply:

(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.

(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023."

Section 15. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 16. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 730

[HB 596]

AN ACT REVISING ELK HUNTING ACCESS AGREEMENT COOPERATOR LICENSES; PROVIDING DEFINITIONS; AMENDING SECTION 87-2-513, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-513, MCA, is amended to read:

"**87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance.** (1) ~~For wildlife management purposes and with approval of the commission pursuant to 87-1-301, the~~ *The* department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property *or on private property leased by the landowner for agricultural purposes*.

(b) A designee may be an immediate family member or an authorized full-time employee of the landowner *who is eligible for licensure under Title 87, chapter 2.*

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own *at least 640 acres of* occupied elk habitat*,* ~~that is large enough, in the department's determination,~~ *except that smaller acreages are eligible if the department determines that site conditions exist* to accommodate successful public hunting;

(b) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) *(a)* For every three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination of the two pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(b) At least one of the public hunters must hold the equivalent license, permit, or combination of the two that is issued to the landowner or the landowner's designee. The department, in consultation with the landowner, shall select the hunters pursuant to subsection (7)(b).

(4) A license or permit issued pursuant to this section*:*~~:~~

~~(a)~~*(a)* is nontransferable and may not be sold or bartered*; and*~~; and~~

~~(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section~~.

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district.

(8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife management purposes and approved by the commission pursuant to its powers under 87-1-301.

(b) The commission shall prioritize approval of an application for a license, permit, or combination of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder hunting season,

additional cow harvest by public hunters in addition to the number of public hunters required in subsection (3).

(9) For the purposes of this section, the following definitions apply:

(a) "Employee" means a person who works full time for the landowner as part of an active farm or ranch operation enrolled in the program.

(b) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling, niece, or nephew by blood, marriage, or legal adoption."

Section 2. Effective date. [This act] is effective March 1, 2024.

Approved May 22, 2023

CHAPTER NO. 731

[HB 652]

AN ACT REVISING THE DURATION OF UNEMPLOYMENT INSURANCE BENEFITS; REVISING THE RATIO OF TOTAL BASE PERIOD RELATIVE TO CERTAIN FULL WEEKS OF BENEFITS; AMENDING SECTION 39-51-2204, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-51-2204, MCA, is amended to read:

"**39-51-2204. Maximum benefit amount.** Any otherwise eligible individual is entitled during the individual's benefit year to a total amount of benefits equal to the individual's weekly benefit amount, as calculated according to 39-51-2201, times the number of full weeks of benefit entitlement appearing in the following table in the line which includes the individual's ratio of total base period earnings to the highest quarter of earnings in the base period:

Ratio of Total Base Period Earnings to High Quarter		Full Weeks
At Least	But Less Than	of Benefits
1.00	1.25	8
1.25	1.50	10
1.50	1.75	12
1.75	2.00	14
2.00	2.25	16
2.25	2.50	18
2.50	~~2.75~~ *2.75*	20
~~2.75~~ *2.75*	~~3.00~~ *3.00*	~~22~~ *22*
~~3.00~~ *3.00*	~~3.25~~	~~24~~ *24*
~~3.25~~	~~3.50~~	~~26~~
~~3.50~~		~~28~~

Section 2. Effective date. [This act] is effective July 1, 2023.

Section 3. Applicability. [This act] applies to unemployment insurance claims filed on or after July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 732

[HB 738]

AN ACT REVISING THE MONTANA WHEAT AND BARLEY CHECKOFF PROGRAM; EXEMPTING THE WHEAT AND BARLEY COMMITTEE FROM STATE PROCUREMENT REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Committee procurement -- rulemaking. (1) The wheat and barley committee is not subject to procurement procedures under Title 18, chapter 4.

(2) The committee shall adopt rules for procurement of goods and services necessary to the duties outlined in this part.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 80, chapter 11, part 2, and the provisions of Title 80, chapter 11, part 2, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 733

[HB 783]

AN ACT REVISING ALCOHOL SPECIAL PERMIT LAWS; ALLOWING A MONTANA WINERY TO SELL ALCOHOL THAT IS FERMENTED OR BLENDED BY THE WINERY FOR OFF-PREMISES CONSUMPTION; PROVIDING FOR UP TO 12 SPECIAL PERMITS A YEAR; AND AMENDING SECTION 16-4-301, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-301, MCA, is amended to read:

"**16-4-301. Special permits to sell all alcoholic beverages, beer, and table wine -- application and issuance.** (1) (a) *The following organizations or institutions that conduct a special event may receive up to 12 special permits a year to sell beer and table wine to the patrons of the special event:*

(i) ~~An~~ *an* organization or institution that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended~~,~~*;*

(ii) an organization or institution that is organized and operated to raise funds for a ~~needy~~ person *in need;* or

(iii) an organization or institution that is an accredited Montana postsecondary school ~~and that conducts a special event may receive a special permit to sell beer and table wine to the patrons of that special event. An organization may receive up to three special permits a year~~.

(b) A civic league or organization that has a tax-exempt designation under section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), as amended, or an organization authorized by an accredited Montana postsecondary school to engage in fundraising activities for intercollegiate athletics that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended, may receive up to 12 special permits a year to sell beer and table wine. For purposes of fundraising activities for intercollegiate athletics, only one organization for each Montana postsecondary school may be authorized to apply for and receive special permits

under this section. All net earnings from the sale of beer and table wine must be contributed to the state of Montana or a political subdivision of the state or must be devoted to purposes required of entities under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended.

(c) An association or corporation engaged in professional sporting contests or junior hockey contests may receive one special permit to sell beer and table wine covering the entire season of play if:

(i) the association or corporation is sanctioned by a sports organization that regulates the specific sport;

(ii) the season of play of the sport is specified in advance;

(iii) an admission fee to the contests is charged; and

(iv) the contest events are held in facilities that provide seating for at least 1,000 patrons.

(d) A chamber of commerce or business league that has a tax-exempt designation under section 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(6), as amended, may receive up to 12 special permits a year to sell beer and table wine. A chamber of commerce may not use one of its special permits for an event conducted by a business league, and a business league may not use one of its permits for an event conducted by a chamber of commerce. The chamber of commerce or business league receiving a special permit shall obtain liquor liability insurance for any event it conducts.

(e) A winery licensed pursuant to 16-4-107 may receive up to 12 special permits during a calendar year to provide wine that was fermented or blended at the winery's licensed premises. The special permit allows the winery to sell its products for off-premises consumption if sold in its original packaging.

~~(e)~~*(f)* The beer and wine sold under this subsection (1) must be consumed at the time when and within the enclosure where the special event, activity, or sporting contest is held.

~~(f)~~*(g)* An application for a special permit must be presented 3 days in advance, but the department may, for good cause, waive the 3-day requirement. The application must describe the location of the enclosure where the special event, activity, or sporting contest is to be held, the nature of the special event, activity, or sporting contest, and the period during which it is contemplated that the special event, activity, or sporting contest will be held. An application for a permit for professional sporting contests or junior hockey contests under subsection (1)(c) must provide the inclusive dates of the season of play for the sporting contest. The application must be accompanied by the amount of the permit fee and a written statement of approval of the premises where the special event, activity, or sporting contest is to be held issued by the local law enforcement agency that has jurisdiction over the premises.

~~(g)~~*(h)* A special permit issued under this subsection (1) for the purpose of selling and serving beer at a special event, activity, or sporting contest conducted on the premises of a county fairground or public sports arena authorizes the permitholder to sell and serve beer in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

~~(h)~~*(i)* For the purposes of this subsection (1), a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization otherwise licensed under this code is an organization that may receive special permits for three special events a year, as described in subsection (1)(a), to sell beer and table wine. All net proceeds must go to the post or lodge acquiring the special permit.

(2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code may receive, without notice or hearing as provided in 16-4-207, a

special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at the post or lodge to members and their guests only, to be consumed within the hall or building of the post or lodge.

(b) The application of a nationally chartered veterans' organization or lodge of a recognized national fraternal organization must describe the location of the hall or building where the special permit will be used and the date it will be used.

(c) The special permit may be issued for a 24-hour period only, ending at 2 a.m., and the department may not issue more than 12 special permits to any post or lodge during a calendar year."

Section 2. Coordination instruction. If both Senate Bill No. 59 and [this act] are passed and approved and if both contain a section that amends 16-4-301, then the sections amending 16-4-301 are void and 16-4-301 must be amended as follows:

"16-4-301. Special permits to sell all alcoholic beverages, beer, and table wine -- application and issuance. (1) (a) *The following organizations or institutions that conduct a special event may receive up to 12 special permits during a calendar year to sell beer and table wine to the patrons of the special event:*

(i) ~~An~~ *an* organization or institution that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended~~,~~*;*

(ii) an organization or institution that is organized and operated to raise funds for a person in need; or

(iii) an organization or institution that is an accredited Montana postsecondary school.

(b) A civic league or organization that has a tax-exempt designation under section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), as amended, or an organization authorized by an accredited Montana postsecondary school to engage in fundraising activities for intercollegiate athletics that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended, may receive up to 12 special permits a year to sell beer and table wine. For purposes of fundraising activities for intercollegiate athletics, only one organization for each Montana postsecondary school may be authorized to apply for and receive special permits under this section. All net earnings from the sale of beer and table wine must be contributed to the state of Montana or a political subdivision of the state or must be devoted to purposes required of entities under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended.

(c) An association or corporation engaged in professional sporting contests or junior hockey contests may receive one special permit to sell beer and table wine covering the entire season of play if:

(i) the association or corporation is sanctioned by a sports organization that regulates the specific sport;

(ii) the season of play of the sport is specified in advance;

(iii) an admission fee to the contests is charged; and

(iv) the contest events are held in facilities that provide seating for at least 1,000 patrons.

(d) A chamber of commerce or business league that has a tax-exempt designation under section 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(6), as amended, may receive up to 12 special permits a year to sell beer and table wine. A chamber of commerce may not use one of its special permits for an event conducted by a business league, and a business league may not use one of its permits for an event conducted by a chamber of commerce. The

chamber of commerce or business league receiving a special permit shall obtain liquor liability insurance for any event it conducts.

(e) A winery licensed pursuant to 16-4-107 may receive up to 12 special permits during a calendar year to provide wine that was fermented or blended at the winery's licensed premises. The special permit allows the winery to sell its products for off-premises consumption if the products are sold in their original packaging.

~~(e)~~*(f)* The beer and wine sold under this subsection (1) must be consumed at the time when and within the enclosure where the special event, activity, or sporting contest is held.

~~(f)~~*(g)* An application for a special permit must be presented ~~3~~ *5 business days* in advance, but the department may, for good cause, waive the ~~3-day~~ *5-day* requirement. The application must describe the location of the enclosure where the special event, activity, or sporting contest is to be held, the nature of the special event, activity, or sporting contest, and the period during which it is contemplated that the special event, activity, or sporting contest will be held. An application for a permit for professional sporting contests or junior hockey contests under subsection (1)(c) must provide the inclusive dates of the season of play for the sporting contest. The application must be accompanied by the amount of the permit fee and a written statement of approval of the premises where the special event, activity, or sporting contest is to be held issued by the local law enforcement agency that has jurisdiction over the premises.

~~(g)~~*(h)* A special permit issued under this subsection (1) for the purpose of selling and serving beer *and table wine* at a special event, activity, or sporting contest conducted on the premises of a county fairground or public sports arena authorizes the permitholder to sell and serve beer *and table wine* in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

~~(h)~~*(i)* For the purposes of this subsection (1), a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization otherwise licensed under this code is an organization that may receive special permits for three special events a year~~, as described in subsection (1)(a),~~ to sell beer and table wine. All net proceeds must go to the post or lodge acquiring the special permit.

(2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code may receive, without notice or hearing as provided in 16-4-207, a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at the post or lodge to members and their guests only, to be consumed within the hall or building of the post or lodge.

(b) The application of a nationally chartered veterans' organization or lodge of a recognized national fraternal organization must describe the location of the hall or building where the special permit will be used and the date it will be used.

(c) The special permit may be issued for a 24-hour period only, ending at 2 a.m., and the department may not issue more than 12 special permits to any post or lodge during a calendar year."

Approved May 22, 2023

CHAPTER NO. 734

[HB 830]

AN ACT PROVIDING FOR AN ALTERNATIVE PAYMENT SCHEDULE FOR PROPERTY TAXES; PROVIDING THAT OWNERS OF PRIMARY RESIDENCES MAY ENTER INTO AN AGREEMENT TO PAY PROPERTY TAXES IN SEVEN EQUAL PAYMENTS; PROVIDING APPLICATION DEADLINES; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-16-102 AND 15-16-103, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Alternative payment schedule for primary residences. (1) At the request of the owner of a primary residence, a county treasurer shall enter into a written agreement with the owner for the payment of current property taxes on an alternative payment schedule of seven payments as provided in 15-16-102(2)(b) and this section.

(2) To pay property taxes on the alternative payment schedule, the owner of a primary residence shall apply on forms provided by the county treasurer. The application must include a sworn statement, under penalty of false swearing provided for in 45-7-202, that the property is a primary residence.

(3) Application must be made by September 30 for enrollment in the current year. When enrolled in the alternative payment schedule, the owner remains enrolled until the owner provides a written request to terminate the alternative payment schedule. Requests to terminate the alternative payment schedule must be made before September 30 to apply to the current year. Termination requests made after September 30 will apply to payments for the next tax year.

(4) A county treasurer may require enrollment in an automated payment program as a condition of enrollment in the alternative payment schedule.

(5) A property owner enrolled in the alternative payment schedule may pay taxes before the due dates provided for in 15-16-102(2)(b). The county treasurer may not accept a payment under the alternative payment schedule from a third-party escrow service, lender, or mortgage company.

(6) As provided in this section, the following definition applies:

(a) "Primary residence" means a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the surrounding land classified as class four residential property that was owned and occupied by the taxpayer for at least 7 months of the year.

(b) The term does not include a dwelling that is not on a permanent foundation and that is classified by the department of revenue as personal property.

Section 2. Section 15-16-102, MCA, is amended to read:

"**15-16-102. Time for payment -- penalty for delinquency.** *(1)* Unless suspended or cancelled under the provisions of 10-1-606, 15-23-708, or Title 15, chapter 24, part 17, all taxes levied and assessed in the state of Montana, except assessments made for special improvements in cities and towns payable under 15-16-103, are payable as ~~follows:~~ *provided in this section.*

~~(1)~~*(2) (a)* ~~One-half~~ *Except as provided in subsection (2)(b), one-half* of the taxes are payable on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and one-half are payable on or before 5 p.m. on May 31 of each year.

(b) For a taxpayer enrolled in the alternative payment schedule for primary residences provided for in [section 1], one-seventh of the taxes must be paid on or before 5 p.m. on the last day of each month beginning on November 30 and ending on May 31 provided that the full amount of the taxes payable is made by 5 p.m. on May 31 of each year. The seven monthly payments must be as nearly equal as possible and are due on November 30, December 31, January 31, February 28, March 31, April 30, and May 31.

~~(2)~~*(3) (a) (i)* ~~Unless~~ *Except as provided in subsection (3)(a)(ii), unless* one-half of the taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, the amount payable is delinquent and draws interest at the rate of 5/6 of 1% a month from and after the delinquency until paid and 2% must be added to the delinquent taxes as a penalty.

(ii) For a taxpayer enrolled in the alternative payment schedule for primary residences provided for in [section 1], unless one-seventh of the taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and the remaining tax payments are paid on or before the alternative payment schedule due dates provided for in subsection (2)(b), the amount payable is delinquent and draws interest and penalty as provided in subsection (3)(a)(i).

~~(3)~~*(b)* All taxes due and not paid on or before 5 p.m. on May 31 of each year are delinquent and draw interest at the rate of 5/6 of 1% a month from and after the delinquency until paid, and 2% must be added to the delinquent taxes as a penalty.

(4) (a) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without penalty or interest on or before 5 p.m. of the next business day in accordance with 1-1-307.

(b) ~~If~~ *Except for a taxpayer enrolled in the alternative payment schedule for primary residences provided for in [section 1], if* taxes on property qualifying under the property tax assistance program provided for in 15-6-305 are paid within 20 calendar days of the date on which the taxes are due, the taxes may be paid without penalty or interest. If a tax payment is made later than 20 days after the taxes were due, the penalty must be paid and interest accrues from the date on which the taxes were due.

(5) (a) A taxpayer may pay current year taxes without paying delinquent taxes. The county treasurer shall accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full tax years if taxes currently due for the current tax year have been paid. Payment of taxes for delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of taxes for the current tax year is not a redemption of the property tax lien for any delinquent tax year.

(b) A payment by a co-owner of an undivided ownership interest that is subject to a separate assessment otherwise meeting the requirements of subsection (5)(a) is not a partial payment.

(6) The penalty and interest on delinquent assessment payments for specific parcels of land may be waived by resolution of the city council. A copy of the resolution must be certified to the county treasurer.

(7) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.

(8) The county treasurer may accept a partial payment of centrally assessed property taxes as provided in 76-3-207."

Section 3. Section 15-16-103, MCA, is amended to read:

"**15-16-103. Special improvement districts with annual interest payments -- collection of special assessments for all special improvements.** (1) Special assessments or installments of special assessments made for special improvements in towns and cities, the bonds for which annual interest payments have been specified ~~and that were issued after July 1, 1981~~, and that have been duly and regularly made and levied by resolution according to law, ~~shall be~~ *are* payable as ~~follows:~~ *provided in this section.*

~~(a)~~*(2) (a)* ~~One-half~~ *Except as provided in subsection (2)(b), one-half* of the taxes are payable on or before 5 p.m. on November 30 of each year *and one-half of the taxes are payable on or before 5 p.m. on May 31 of each year.*

(b) For a taxpayer enrolled in the alternative payment schedule for primary residences provided for in [section 1], one-seventh of the taxes must be paid on or before 5 p.m. on the last day of each month beginning on November 30 and ending on May 31 provided that the full amount of the taxes payable is made by 5 p.m. on May 31 of each year. The seven monthly payments must be as nearly equal as possible and are due on November 30, December 31, January 31, February 28, March 31, April 30, and May 31.

(3) (a) (i) Except as provided in subsection (3)(a)(ii), ~~If~~ *if* the taxes are not paid on or before ~~that date~~ *5 p.m. on November 30*, they are subject to the same interest and penalty for nonpayment as delinquent property taxes under 15-16-102. The penalty and interest may be waived by resolution of the city council, as provided in 15-16-102(6).

(ii) For a taxpayer enrolled in the alternative payment schedule for primary residences provided for in [section 1], unless one-seventh of the taxes are paid on or before 5 p.m. on November 30 of each year, and the remaining tax payments are paid on or before the alternative payment schedule due dates provided for in subsection (2)(b), the amount payable is delinquent and draws interest and penalty as provided in subsection (3)(a)(i).

(b) ~~One-half of the taxes are payable on or before 5 p.m. on May 31 of each year.~~ If the taxes are not paid on or before ~~that date~~ *5 p.m. on May 31*, they are subject to the same interest and penalty for nonpayment as delinquent property taxes under 15-16-102. The penalty and interest may be waived by resolution of the city council, as provided in 15-16-102(6).

~~(2)~~*(4)* The collection of special assessments or installments of special assessments made for special improvements in towns and cities are as provided by 7-12-4181."

Section 4. Appropriation. There is appropriated $35,000 from the general fund to the department of administration for the biennium beginning July 1, 2023, to purchase software upgrades and e-check systems for counties to implement the alternative payment schedule for primary residences.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, part 1, and the provisions of Title 15, chapter 16, part 1, apply to [section 1].

Section 6. Applicability. [This act] applies to property tax payments due on or after November 30, 2024.

Approved May 22, 2023

CHAPTER NO. 735

[HB 835]

AN ACT CREATING THE MEDICAID AND 24/7 FACILITY CONTINGENCY FUND; ESTABLISHING USES OF THE FUND; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Medicaid and 24/7 facility contingency fund. (1) Subject to available funding, there is a medicaid and 24/7 facility contingency fund in the state special revenue fund provided for in 17-2-102 to the credit of the office of budget and program planning.

(2) The contingency fund consists of money received from funds transferred by the legislature.

(3) Funds in the account are subject to agency transfer to the department of public health and human services to mitigate supplemental requests associated with expenditures in fiscal year 2023 for:

(a) the medicaid program provided for in Title 53, chapter 6; and

(b) operation of the following facilities that provide 24/7 care and treatment:

(i) the intensive behavior center provided for in 53-20-602;

(ii) the Montana mental health nursing care center provided for in 53-21-411; and

(iii) the Montana state hospital provided for in 53-21-601.

(4) On the occurrence of an agency transfer pursuant to this section, the director of the office of budget and program planning shall certify to the legislative finance committee no later than June 30 of the fiscal year in which the transfer occurred:

(a) the amount transferred to and anticipated to be spent by the department of public health and human services;

(b) the specific purposes for which the funds will be used; and

(c) the department's plan for mitigating the expenditures related to the facilities listed in subsection (3)(b) in the next fiscal year.

(5) Any money in the account that is not encumbered by September 30, 2023, must revert to the general fund.

Section 2. Transfer of funds. There is transferred $56.5 million from the general fund to the medicaid and 24/7 facility contingency fund provided for in [section 1]. The transfer must occur no later than June 30, 2023.

Section 3. Appropriations. (1) There is appropriated $56.5 million from the medicaid and 24/7 facility contingency fund provided for in [section 1] to the office of budget and program planning for the fiscal year beginning July 1, 2022, for the purposes of [section 1].

(2) There is appropriated $165 million in federal special revenue authority to the office of budget and program planning for the fiscal year beginning July 1, 2022, for the purposes of [section 1].

(3) There is appropriated $4 million in state special revenue authority to the office of budget and program planning for the fiscal year beginning July 1, 2022, for the purposes of [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Termination. [This act] terminates October 1, 2023.

Approved May 22, 2023

CHAPTER NO. 736

[HB 846]

AN ACT PROVIDING A BONUS POINT CHANCE FOR SMITH RIVER PERMITS; LIMITING THE NUMBER OF PERMITS AVAILABLE FOR NONRESIDENTS; REQUIRING RULEMAKING; AND AMENDING SECTIONS 23-2-408 AND 23-2-409, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-2-408, MCA, is amended to read:

"**23-2-408. Rulemaking authority.** *(1)* The board has authority to provide for the administration of the Smith River waterway. The board may adopt rules to:

~~(1)~~*(a)* regulate and allocate recreational and commercial floating and camping to preserve the biological and social benefits of recreational and commercial use of the Smith River waterway in its natural state. Recreational use may be restricted to preserve the experience of floating, fishing, and camping in a natural environment and to protect the river's fish, wildlife, water, and canyon resources. The restrictions must:

~~(a)~~*(i)* consider the tolerance of adjacent landowners to recreational use;

~~(b)~~*(ii)* consider the capability of the river and adjoining lands to accommodate floating and camping use; and

~~(c)~~*(iii)* ensure an acceptable level of user satisfaction, including minimizing user conflicts and providing for a level of solitude.

~~(2)~~*(b)* restrict recreational use, if necessary, through the implementation of a permit system. An allocation of a portion of the permits may be made to licensed outfitters to preserve the availability of outfitting services to the public. *The number of permits that can be purchased by nonresidents pursuant to this section may not exceed 10% of the available permits.*

~~(3)~~*(c)* regulate the activities of recreational and commercial users of the water and land in the Smith River waterway that are legally accessible to the public and regulate the land in the river corridor that is under the control of the department and the board:

~~(a)~~*(i)* for the purposes of safety, health, and protection of property;

~~(b)~~*(ii)* to preserve the experience of floating, fishing, and camping in a natural environment;

~~(c)~~*(iii)* to protect the river's fish, wildlife, water, and canyon resources; and

~~(d)~~*(iv)* to minimize conflicts between recreationists and private landowners; and

~~(4)~~*(d)* establish recreational and commercial user fees for floating and camping on the Smith River waterway.

(2) The board shall adopt rules to establish and implement a bonus point system for residents and nonresidents."

Section 2. Section 23-2-409, MCA, is amended to read:

"**23-2-409. Allocation of user fees -- expenditure of Smith River corridor enhancement account.** (1) All money collected as recreational and commercial user fees for floating and camping on the Smith River waterway pursuant to 23-2-408 must be deposited in the state treasury in the Smith River corridor enhancement account in the state special revenue fund to the credit of the department.

(2) (a) The following portions of recreational and commercial user fees deposited in the Smith River corridor enhancement account must be used for the purposes in subsection (2)(b):

(i) $50 of each commercial outfitter client fee;

(ii) all revenue from the sale of super permit lottery chances; ~~and~~

(iii) all revenue from sales of a resident-only $5 bonus point and a nonresident $50 bonus point; and

~~(iii)~~*(iv)* 5% of other float fee revenue, except for the nonrefundable permit application fee.

(b) The sum of the funds described in subsection (2)(a) must be expended to:

(i) protect and enhance the integrity of the natural and scenic beauty of the Smith River waterway and its recreational, fisheries, and wildlife values through the lease or acquisition of property, including lease or acquisition of partial interests in property by the department within the Smith River corridor;

(ii) pursue projects that serve to protect, enhance, and restore fisheries habitat, streambank stabilization, erosion control, and recreational values within the Smith River corridor, including Smith River tributaries; and

(iii) pursue projects that serve to maintain and enhance instream flows for recognized recreational and aquatic ecosystem values in the Smith River corridor.

(3) All other funds in the Smith River corridor enhancement account may be used to manage, operate, and maintain the Smith River corridor."

Approved May 22, 2023

CHAPTER NO. 737

[HB 855]

AN ACT ALLOWING A PLAQUE COMMEMORATING CHARLES S. JOHNSON, MONTANA'S LONGEST-SERVING STATEHOUSE REPORTER, TO BE PLACED IN A STATE CAPITOL COMPLEX BUILDING OR ON THE GROUNDS OF THE STATE CAPITOL COMPLEX; REQUIRING PRIVATE FUNDING; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY PROCURE THE ITEM AND ADMINISTER FUNDS FOR THAT PURPOSE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-17-807 AND 2-17-808, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Charles S. Johnson was born in Montana and dedicated his life to observing, documenting, and explaining the place and its people; and

WHEREAS, while the name Charles S. Johnson graced newspaper bylines in the state for nearly half a century over the most important of stories, the dean of Montana journalism always introduced himself as simply, Chuck; and

WHEREAS, one of Chuck's first reporting assignments was covering the 1972 Constitutional Convention where he could not believe his good fortune to have a front row seat to history in the making; and

WHEREAS, his experience with the building of the state constitution became the cornerstone of Chuck's career as the state's longest-serving statehouse reporter; and

WHEREAS, despite his stature and intellect, Chuck never thought he was more important or interesting than anyone he covered. He treated those he encountered with respect and curiosity, be it a U.S. Senator, a governor, or a committee secretary; and

WHEREAS, Chuck's grin and gentle demeanor made him approachable to generations of young journalists who quickly learned that he was generous with his time and knowledge, not just for a minute, but for a lifetime. He

continued to be a mentor, friend, and cheerleader for them until his last day; and

WHEREAS, Chuck saw each day as an opportunity to learn. Most of us eschew change, but Chuck treated life as a developing story. Ink ran in his veins, yet he embraced the opportunity to tell stories in any medium—he found his way to radio, television, and was tweeting gems until the end; and

WHEREAS, those who were interviewed by Charles S. Johnson could expect him to offer the benefit of the doubt and exercise fairness, but his loyalty was always anchored to the truth; and

WHEREAS, Chuck was the best of Montana in all respects. He will be missed and remembered.

Be it enacted by the Legislature of the State of Montana:

Section 1. Commemoration of Charles S. Johnson -- special revenue account. (1) Subject to 2-17-807(4) and other provisions of Title 2, chapter 17, part 8, including review by the capitol complex advisory council, a plaque commemorating Charles S. Johnson, Montana's longest-serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the state capitol.

(2) The cost for the procurement, installation, and maintenance of the plaque must be paid from private funds.

(3) There is a special revenue account to the credit of the Montana historical society for the purposes of this section. The Montana historical society shall oversee the procurement and installation of the plaque and administer funds in the account.

(4) The design, installation, maintenance, and funding of the plaque is subject to the provisions of the art and memorial plan adopted by the council pursuant to 2-17-804.

Section 2. Section 2-17-807, MCA, is amended to read:

"**2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display may not be displayed on a long-term basis in the capitol complex or on the capitol complex grounds unless the building, space, or room name or display is approved by the legislature and complies with this part. The capitol building, including any future additions and expansions, may not be named after any person, as defined in 2-4-102.

(2) (a) Except as provided in subsections (2)(b) through ~~(2)(g)~~ *(2)(h)*, a state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol complex unless the individual has been deceased for at least 10 years.

(b) The statue of Mike and Maureen Mansfield authorized in 2-17-808(1)(d)(iii) and the plaque commemorating President George H. W. Bush authorized in 2-17-808(2)(b)(ii) may continue to be displayed in the capitol complex.

(c) Except as provided in subsection (2)(f), a public building within the capitol complex constructed with private funds after April 17, 2007, or a space or room constructed with private funds after April 17, 2007, in a public building, other than the capitol building, may bear a name designated by the benefactor of the building, space, or room if:

(i) the building, space, or room is to be owned by or used exclusively or primarily by the Montana historical society to store or display artifacts or other property owned by the Montana historical society; and

(ii) the building, space, or room and the designated name are approved by the council and by the board of the historical society, provided for in 2-15-1512.

(d) The classroom building authorized in May 2007 to be built at the Montana law enforcement academy may be named after Karl Ohs, and a plaque and the Lou Peters award commemorating Karl Ohs may be displayed there.

(e) The justice building located at 215 north Sanders in Helena must be named after Joseph P. Mazurek, and a plaque and memorial commemorating him may be displayed on the capitol complex grounds.

(f) The Montana heritage center must be named after Betty Babcock, and a plaque commemorating her must be displayed there.

(g) The statue or bust of Judy Martz authorized in 2-17-808(2)(f) may continue to be displayed in the capitol or on the grounds immediately surrounding the capitol.

(h) A plaque commemorating Charles S. Johnson, Montana's longest-serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the state capitol complex.

(3) A bust, plaque, statue, memorial, monument, or art display commemorating an event, including a military event, may not be displayed on a long-term basis in the capitol complex until 10 years after the end of the event.

(4) All busts, plaques, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

(5) The department of administration may review and approve the temporary display of a bust, plaque, statue, memorial, monument, or art display for up to 1 year in the capitol complex or on the capitol complex grounds. (Subsection (2)(g) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019.)"

Section 3. Section 2-17-808, MCA, is amended to read:

"**2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art displays.** (1) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in the capitol:

(a) the busts of Thomas J. Walsh, Burton K. Wheeler, and Joseph Dixon;

(b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers who fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, the 1972 Montana constitutional convention, and the women legislators' centennial;

(c) the murals by Edgar S. Paxson, Ralph E. DeCamp, Charles M. Russell, Amedee Joullin, and F. Pedretti and sons;

(d) the statues of:

(i) Wilbur Fiske Sanders;

(ii) Jeannette Rankin; and

(iii) Mike and Maureen Mansfield;

(e) the Montana statehood centennial bell;

(f) the gallery of outstanding Montanans;

(g) the Montana constitutional exhibit;

(h) the biographical descriptions of Montana's governors, to be placed near the portraits of the governors;

(i) a plaque commemorating former representative Francis Bardanouve and lettering naming the first floor of the east wing of the capitol in honor of Francis Bardanouve; and

(j) a mural honoring the historical contributions of women as community builders.

(2) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the grounds of the capitol:

(a) the statues of Thomas Francis Meagher and Lady Liberty;

(b) the plaques commemorating:

(i) Donald Nutter;

(ii) President George H. W. Bush; and

(iii) American prisoners of war and personnel of the United States armed services missing in action;

(c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair, and renovation project;

(d) the Montana centennial square;

(e) the monument of the ten commandments; and

(f) a statue or bust commemorating Judy Martz, Montana's first woman governor.

(3) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the capitol complex grounds:

(a) the statue by Robert Scriver entitled "symbol of the pros";

(b) the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;

(c) the sculptures of the herd bull and the eagle;

(d) the plaques commemorating the Montana national guard and Lewis and Clark; and

(e) the arrastra.

(4) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in state buildings on the capitol complex:

(a) the paintings of Dr. W. F. Cogswell and the paintings entitled "burning bush", "dryland farmer", "farm girl", "the river rat", "top of the world", "angus #68", "the source", "the Bozeman trail", and "the Mullan road";

(b) the art displays known as "Montana workers--mining, ranching, and building", "copper city rodeo", "dancing cascade", "save a piece of the sky", and "night light";

(c) the plaque commemorating Walt Sullivan, the plaque of the Sam W. Mitchell building, and the plaque commemorating the original headquarters of the Montana highway patrol;

(d) the busts of Lee Metcalf and Sam W. Mitchell;

(e) the plaque and Lou Peters award commemorating Karl Ohs; ~~and~~

(f) the plaque and memorial commemorating Joseph P. Mazurek~~.~~*; and*

(g) the plaque commemorating Charles S. Johnson.

(5) The senate sculpture depicting the Lewis and Clark expedition is to be placed for up to 50 years, subject to renewal, on the west wall in the senate chambers.

(6) The council shall determine the specific placement of the items identified in subsections (1) through (4). (Subsection (2)(f) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019.)"

Section 4. Appropriation. There is appropriated $100 from the general fund to the Montana historical society for the biennium beginning July 1, 2023, for the initial costs associated with the procurement and installation of the plaque commemorating Charles S. Johnson.

Section 5. Contingent voidness. If the plaque provided for in [section 1] is not installed by July 1, 2028, then [this act] is void.

Section 6. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 738

[HB 864]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; ALLOCATING FUNDING TO THE VETERANS AND SURVIVING SPOUSES STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR AN EMERGENCY DECLARATION OF INMATE HOUSING AND AUTHORIZATIONS TO ADDRESS THE EMERGENCY; AMENDING SECTIONS 10-2-108 AND 16-11-119, MCA; PROVIDING FOR A TRANSFER OF FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-2-108, MCA, is amended to read:

"**10-2-108. Veterans and surviving spouses state special revenue account.** (1) There is a veterans and surviving spouses account in the state special revenue fund to be administered by the veterans' affairs division of the department of military affairs. The account consists of revenue deposited pursuant to 16-12-111 *and 16-11-119*.

(2) The account must be used to provide services and assistance for all Montana veterans and surviving spouses and dependents."

Section 2. Section 16-11-119, MCA, is amended to read:

"**16-11-119. Disposition of taxes -- statutory appropriation.** (1) A sum equal to the amount necessary to purchase cigarette tax stamps must be deposited to or allocated from the state special revenue fund to the credit of the department from cigarette taxes collected under the provisions of 16-11-111, as provided in subsection (5) of this section.

(2) After the deposit or allocation in subsection (1), cigarette taxes collected under the provisions of 16-11-111 must, in accordance with the provisions of 17-2-124, be deposited as follows:

(a) 8.3% or $4 million, whichever is greater, in the state special revenue fund to the credit of the department of public health and human services for the operation and maintenance of state veterans' nursing homes;

(b) 2.6% in the major repair long-range building program account provided for in 17-7-221;

(c) 44% in the state special revenue fund to the credit of the health and medicaid initiatives account provided for in 53-6-1201; ~~and~~

(d) *$150,000 in the veterans and surviving spouses state special revenue account provided for in 10-2-108;*

(e) the remainder to the state general fund.

(3) If money in the state special revenue fund for the operation and maintenance of state veterans' nursing homes exceeds $2 million at the end of the fiscal year, the excess must be transferred to the state general fund.

(4) The taxes collected on tobacco products other than cigarettes must in accordance with the provisions of 17-2-124 be deposited as follows:

(a) one-half in the state general fund; and

(b) one-half in the state special revenue fund account for health and medicaid initiatives provided for in 53-6-1201.

(5) Each fiscal year, a sum equal to the amount of money necessary to purchase cigarette tax stamps is statutorily appropriated, as provided in

17-7-502, from the state special revenue fund allocation in subsection (1) to the department for tax administration responsibilities."

Section 3. Emergency declaration related to inmate housing. (1) Whenever the inmate census of a state-owned prison exceeds 90% of the prison's design capacity, the governor may declare a housing emergency at the prison.

(2) To expedite construction of additional inmate capacity within the prison or to repair or extend utility service within the facility to allow the reopening of closed buildings or to expand a building's capacity, the governor may suspend the following provisions:

(a) 18-2-113;
(b) 18-2-114;
(c) 18-2-121;
(d) 18-2-122;
(e) Title 37, chapter 65, part 3; and
(f) Title 37, chapter 67, part 3.

(3) To expedite construction of additional inmate capacity within a prison, the department of administration, in consultation with the department of corrections, is authorized to purchase plans for prison housing that was constructed in another state, provided that the engineer and architect of the plans were licensed in the state where the businesses are headquartered.

(4) The state architect is authorized to hire a consulting engineer to oversee the construction of new prison facilities if the entity from whom the plans were purchased declines to provide those services.

Section 4. Transfer of funds. By August 15, 2023, the state treasurer shall transfer $500 from the general fund to the primary sector business training account established in 39-11-205.

Section 5. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 739

[HB 872]

AN ACT REVISING BEHAVIORAL HEALTH SYSTEMS; ESTABLISHING THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS COMMISSION; OUTLINING THE DUTIES AND ROLE OF THE COMMISSION; ESTABLISHING MEETING DATES; PROVIDING FOR PUBLIC COMMENT; PROVIDING FOR A PRESENTATION OF THE COMMISSION'S RECOMMENDATIONS TO LEGISLATIVE COMMITTEES; PROVIDING FOR CONSIDERATION OF LEGISLATOR INPUT; PROVIDING THAT THE GOVERNOR MAY APPROVE OR MODIFY THE RECOMMENDATIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING THE LEGISLATIVE FINANCE COMMITTEE WITH SPECIFIC ADMINISTRATIVE RULE REVIEW AUTHORITY; PROVIDING APPROPRIATIONS; REPEALING SECTION 20-9-240, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Behavioral health system for future generations commission. (1) There is a behavioral health system for future generations commission.

(2) The commission consists of:

(a) the sponsor of [this act];

(b) three members appointed by the governor; and

(c) five legislators, three from the majority party and two from the minority party, selected by the sponsor, who shall confer with the speaker of the house and the president of the senate.

(3) For legislative appointments, legislators serving as members must include at least one member of each of the following committees:

(a) the legislative finance committee;

(b) the health and human services interim budget committee provided for in 5-12-501;

(c) the children, families, health, and human services interim committee;

(d) the judicial branch, law enforcement, and justice interim budget committee provided for in 5-12-501; and

(e) the long-range planning interim budget committee provided for in 5-12-501.

(4) Appointed members of the commission must be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty or service as a commission member.

(5) The department of public health and human services shall staff the commission and pay for the operational costs of the commission from the appropriation in [section 8]. The legislative fiscal division shall provide research and analysis at the request of the commission or its legislative members.

(6) The commission shall elect a chair from the legislative branch and a vice chair from one of the governor's appointees.

Section 2. Commission -- meetings -- recommendations. (1) The advisory commission shall recommend how funds allocated to the department of public health and human services through the state special revenue fund established in [section 3] are expended.

(2) The commission shall hold its first meeting no later than August 1, 2023, and set its future meeting dates.

(3) The commission shall reserve time at each commission meeting for stakeholder engagement and public comment. Public participation is encouraged.

(4) The commission shall submit reports of its recommendations as needed to the office of budget and program planning and to the legislative fiscal analyst. The reports must include one or more of the following:

(a) initiatives that address behavioral health;

(b) initiatives that assist those with developmental disabilities;

(c) outcome measures, as defined in 2-15-2221;

(d) output measures, as defined in 2-15-2221;

(e) performance measures, as defined in 2-15-2221; and

(f) the amount of funding required for the initiatives.

(5) By July 1, 2024, the commission shall submit a report on its final recommendations, including all of the items listed in subsections (4)(a) through (4)(f) and recommended funding amounts pursuant to subsection (1). Within 60 days of submitting its summary report on its recommendations to the office of budget and program planning and the legislative fiscal analyst, the commission, in cooperation with the department of public health and human services, shall present the recommendations to the following legislative committees, who shall meet jointly:

(a) the legislative finance committee;

(b) the health and human services interim budget committee provided for in 5-12-501; and

(c) the children, families, health, and human services interim committee.

(6) When the commission presents to the legislative committees identified in subsection (5), it shall invite Montana's behavioral health advisory council and the Montana statewide independent living council to receive its presentation and to provide comments to the commission.

(7) (a) Following the presentation before the joint meeting of the three committees the commission shall meet to consider the comments from committee members and the public and may revise or amend its recommendations, if desired.

(b) The recommendations of the commission must be transmitted to the governor by the office of budget and program planning for consideration by the governor only after the commission has met to consider the comments from committee members and the public pursuant to subsection (7)(a).

(8) The governor may modify recommendations and must provide the list of approved recommendations and amounts to thecommission, the office of budget and program planning, the department of public health and human services, and to the health and human services interim budget committee. If the governor modifies the list of recommendations and amounts submitted by the commission, the department of public health and human services shall report and explain the change to the commission and to the health and human services interim budget committee at the next scheduled meetings.

(9) If the governor later determines that an approved initiative cannot be completed, the governor may authorize a different initiative. Prior to implementing a different initiative, the department of public health and human services shall present a report on the new initiative to both the commission and the health and human services interim budget committee.

(10) At any time during the process outlined in this section, if a legislator does not approve of the recommended initiatives or the amounts for funding, the legislator may initiate the provisions of 5-3-105 to request a poll of the legislature to hold a special session.

Section 3. Behavioral health system for future generations fund. (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the behavioral health system for future generations fund.

(2) There must be deposited in the account money received from legislative general fund transfers.

(3) Eligible uses of the fund include:

(a) medicaid and CHIP matching funds for payments made to behavioral health settings;

(b) medicaid and CHIP matching funds for payments made to intermediate care facilities for individuals with intellectual disabilities;

(c) statewide community-based investments to stabilize behavioral health and developmental disabilities service providers and delivery, increase and strengthen the behavioral health and developmental disabilities workforce, increase service capacity to meet identified behavioral health and developmental disabilities services demands, and increase opportunities for Montanans to receive integrated physical and behavioral health care;

(d) acquisition of new or remodeling of existing infrastructure or property to support the establishment of behavioral health settings and intermediate care facilities for individuals with intellectual disabilities;

(e) planning, operation, or other contract expenses associated with intermediate care facilities for individuals with intellectual disabilities;

(f) planning, operation, or other contract expenses associated with behavioral health settings; and

(g) studying and planning of the development of a comprehensive behavioral health system.

(4) Funds in this account may not be used to operate existing state facilities.

Section 4. Rulemaking Authority. (1) The department of public health and human services shall adopt administrative rules that define how the appropriation for capital projects will be allocated and spent under [section 9].

(2) The department of public health and human services shall initiate the rulemaking before July 1, 2024.

Section 5. Legislative finance committee rule review. (1) For the purposes of rules promulgated under [section 4], the legislative finance committee established in 5-12-201 is the administrative rule review committee under Title 2, chapter 4.

(2) The legislative finance committee may exercise all the powers of an administrative rule review committee only for the rules promulgated under [section 4] pursuant to Title 2, chapter 4.

Section 6. Repealer. The following section of the Montana Code Annotated is repealed:

20-9-240. Funding for school-based medical services -- duties of office of public instruction and department of public health and human services -- school-based services account.

Section 7. Transfer of funds. (1) No later than June 30, 2023, the state treasurer shall transfer $70 million from the general fund to the account established in [section 3].

(2) No later than June 30, 2024, the state treasurer shall transfer $155 million from the general fund to the account established in [section 3].

(3) No later than June 30, 2023, the state treasurer shall transfer $75 million from the general fund to the capital developments long-range building program account provided for in 17-7-209.

(4) Any unencumbered and unexpended fund balance in the school-based services account on June 30, 2023, must be transferred to the CSCT-OPI state match account managed by the department of public health and human services.

Section 8. Appropriation. (1) There is appropriated $40 million to the department of public health and human services on passage and approval of [this act] through the biennium beginning July 1, 2023, from the account established in [section 3] to pay for eligible uses identified in [section 3], and to pay for the operational costs of the commission established in [section 1].

(2) There is appropriated $30 million to the department of public health and human services for the fiscal year beginning July 1, 2024, from the account established in [section 3] to pay for eligible uses identified in [section 3].

(3) Any funds remaining in the fund established in [section 3] are subject to legislative appropriation.

Section 9. Appropriation for capital projects. (1) After the administrative rules have been adopted under [section 4] and only after the commission transmits its summary report on its recommendations to the governor after following the process set forth in [section 2], there is appropriated $55 million to the department of administration from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209 for the behavioral health system for future generations capital development.

(2) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriation in subsection (3) become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(3) The amount of $1,661,426 is appropriated for the biennium beginning July 1, 2023, to the department of public health and human services from the account established in [section 3] for program expansion or operations and maintenance for the indicated new setting.

Section 10. Planning and design. The department of administration may proceed with the planning and design of capital projects authorized in [section 9] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 11. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [section 9] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy or utility savings and improvements, that project must be submitted to the energy conservation program for funding consideration by the state building energy conservation program. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount must be dependent on the annual utility savings resulting from the capital project. The department of public health and human services must be notified of potential funding after the review and is obligated to utilize the state building energy conservation program funding, if available.

Section 12. Appropriations. (1) There is appropriated $20 million from the capital development long-range building program account to the department of public health and human services for the biennium beginning July 1, 2023, for the uses outlined in [section 3(3)(d)].

(2) There is appropriated $83.5 million in federal special revenue to the department of public health and human services for the biennium beginning July 1, 2023, to provide matching funds to the department.

Section 13. Legislative intent. The appropriation authorized in [section 12] constitutes legislative consent for the capital projects outlined in [section 3(3)(d)] within the meaning of 18-2-102.

Section 14. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 50, chapter 1, part 1, and the provisions of Title 50, chapter 1, part 1, apply to [section 3].

Section 15. Effective date. (1) Except as otherwise provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 6] is effective July 1, 2023.

Section 16. Termination. [Sections 1, 2, 4, and 5] terminate July 1, 2025.

Approved May 22, 2023

CHAPTER NO. 740

[HB 883]

AN ACT GENERALLY REVISING STATE FINANCE; MODIFYING CALCULATIONS FOR TRANSFER AND TERMS OF USE OF THE FIRE SUPPRESSION ACCOUNT; PROVIDING FOR A TRANSFER OF FUNDS; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 76-13-150, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-13-150, MCA, is amended to read:

"**76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for:

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; ~~and~~

(g) road maintenance on federal lands*; and*

(h) fire preparedness.

~~(5) Interest earned on the balance of the account is retained in the account.~~

~~(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.~~

(5) In an even-numbered calendar year, after the transfers made pursuant to 17-7-130, if the preliminary general fund ending fund balance at fiscal yearend was greater than 8.3% of all general fund appropriations in the second year of the biennium, then the state treasurer shall transfer from the general fund to the fire suppression account funds sufficient to bring the fire suppression fund balance to 6% of all general fund appropriations in the second year of the biennium. The transfer may not cause the general fund ending fund balance to have a balance of less than 8.3% of all general fund appropriations in the second year of the biennium.

~~(7)~~*(6)* The provisions of subsection ~~(6)~~ *(5)* do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection ~~(6)~~ *(5)* would require reductions pursuant to 17-7-140.

~~(8) The fund balance in the account may not exceed 4% of all general fund appropriations in the second year of the biennium.~~

~~(9) By August 15 of each even-numbered fiscal year, if~~

(7) If the balance in the account at the end of the most recently completed ~~odd-numbered~~ *odd-numbered* fiscal year ~~exceeds $40 million, the excess, up to $5 million,~~ *exceeds 3% of all general fund appropriations in the second year of the biennium, then up to 1%* ~~must be used in the biennium~~ *of all general fund appropriations in the second year of the biennium may be used and is statutorily appropriated from the fire suppression account* for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(8) For only the biennium beginning July 1, 2023, up to 0.5% of all general fund appropriations in the second year of the biennium is statutorily appropriated from the fire suppression account each year and may be used each year for the item in subsection (4)(h).

~~(10)~~*(9)* Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)*(a)*."

Section 2. Reporting by the department of natural resources and conservation. By November 1 of each fiscal year of the biennium beginning July 1, 2023, the department of natural resources and conservation shall report to the environmental quality council and the natural resources and transportation budget committee about the expenditures made pursuant to each subsection of 76-13-150(4) for that fiscal year.

Section 3. Transfer of funds. By June 30, 2023, the state treasurer shall transfer $152 million from the general fund to the fire suppression account provided for in 76-13-150.

Section 4. Coordination instruction. If both House Bill No. 587 and [this act] are passed and approved, then [section 1 of this act], amending 76-13-150, is void and 76-13-150 must be amended as follows:

"**76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for:

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; ~~and~~

(g) road maintenance on federal lands*; and*

(h) fire preparedness.

~~(5) Interest earned on the balance of the account is retained in the account.~~

~~(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.~~

~~(7)~~*(5) In an even-numbered calendar year, after the transfers made pursuant to 17-7-130, if the preliminary general fund ending balance at fiscal yearend was greater than 8.3% of all general revenue appropriations in the second year of the biennium, then the state treasurer shall transfer from the general fund to the fire suppression account funds sufficient to bring the fire suppression account fund balance to 6% of the general revenue appropriations in the second year of the biennium. The transfer may not cause the general fund ending fund balance*

to have a balance of less than 8.3% of all general revenue appropriations in the second year of the biennium.

(6) The provisions of subsection ~~(6)~~ *(5)* do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection ~~(6)~~ *(5)* would require reductions pursuant to 17-7-140.

~~(8) The fund balance in the account may not exceed 4% of all general fund appropriations in the second year of the biennium.~~

~~(9)~~*(7)* ~~By August 15 of each even-numbered fiscal year, if~~ *If* the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds ~~$40 million, the excess, up to $5 million,~~ *3% of all general revenue appropriations in the second year of the biennium, then up to 1% of all general revenue appropriations in the second year of the biennium may be used and is statutorily appropriated from the fire suppression account* ~~must be used in the biennium~~ for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(8) For the biennium beginning July 1, 2023, up to 0.5% of all general revenue appropriations in the second year of the biennium is statutorily appropriated from the fire suppression account each year and may be used each year to the department for the item in subsection (4)(h).

~~(10)~~*(9)* Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

Section 4. Coordination instruction. If both House Bill No. 424 and [this act] are passed and approved, and both contain a coordination provision amending 76-13-150, then the coordination provision amending 76-13-150 in House Bill No. 424 is void.

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 741

[HB 890]

AN ACT PROVIDING FOR INCREASED TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT BY REQUIRING CERTAIN GOVERNMENT ENTITIES TO RECORD THEIR PUBLIC MEETINGS IN AUDIO AND VIDEO FORMAT; REQUIRING THOSE ENTITIES TO MAKE THE AUDIO AND VIDEO RECORDINGS AVAILABLE ONLINE FOLLOWING THE PUBLIC MEETING; PROVIDING EXCEPTIONS; PROVIDING AN APPROPRIATION; SUPERSEDING THE LOCAL GOVERNMENT UNFUNDED MANDATE LAWS; AMENDING SECTIONS 2-3-214 AND 7-1-4141, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-3-214, MCA, is amended to read:

"**2-3-214. Recording of meetings for certain boards.** (1) Except as provided in 2-3-203 *and subsection (6) of this section*, the following boards shall record their public meetings in ~~a~~ *an audio and* video ~~or audio~~ format:

(a) the board of investments provided for in 2-15-1808;

(b) the public employees' retirement board provided for in 2-15-1009;

(c) the teachers' retirement board provided for in 2-15-1010;

(d) the board of public education provided for in Article X, section 9, of the Montana constitution; ~~and~~

(e) the board of regents of higher education provided for in Article X, section 9, of the Montana constitution*;*

(f) except as provided in subsection (7)(a), the governing board of a county provided for in Title 7, chapter 1, part 21;

(g) except as provided in subsection (7)(b), the governing board of a first-class and second-class city provided for in Title 7, chapter 1, part 41;

(h) a first-class or second-class school district board of trustees provided for in Article X, section 8, of the Montana constitution, 20-6-201, and 20-6-301; and

(i) a local board of health provided for in Title 50, chapter 2, part 1.

~~(2) All good faith efforts to record meetings in a video format must be made, but if a board is unable to record a meeting in a video format, it must record the meeting in an audio format.~~

~~(3)~~*(2)* (a) The boards listed in ~~subsection (1) must~~ *subsections (1)(a) through (1)(e) shall* make the *audio and* video ~~or audio~~ recordings of meetings under subsection (1) publicly available within 1 business day after the meeting through broadcast on the state government broadcasting service as provided in 5-11-1111 or through publication of streaming *audio and* video ~~or audio~~ content on the respective board's website.

(b) The boards listed in subsections (1)(f) through (1)(i) shall make the audio and video recordings publicly available within 5 business days after the meeting with a link to the recording on the respective board's website. If the board does not maintain a website, it shall maintain a social media page and provide a link to the recording on the social media page.

~~(b)~~*(c)* The department of administration may develop a memorandum of understanding with the legislative services division for broadcasting executive branch content on the state government broadcasting service or live-streaming audio or video executive branch content over the internet.

(3) For the boards listed in subsections (1)(f) through (1)(i) that maintain minutes as required by 2-3-212, the audio and video recordings created pursuant to this section are not required to be the official record of the meeting. If a recording is not designated as the official record, the recording may be destroyed after being retained online for 1 year and is not subject to the requirements of Title 2, chapter 6, for public information requests.

(4) A board is not required to disrupt or reschedule a meeting if there is a technological failure of the meeting recording. If the recording is not able to be made available online, the board shall prominently post a notice in the same manner as a notice of a public meeting and shall post a notice at all locations where the meeting recording links are available. The notice must explain the reason the meeting was not recorded and describe the steps taken to remedy the failure prior to the next meeting.

(5) The requirements of this section apply only when a board is acting on a matter over which the board has supervision, control, jurisdiction, or advisory power at a public meeting as defined in 2-3-202 that has been publicly noticed as required by 2-3-103.

(6) The requirements of this section do not apply to a board listed in subsection (1)(f) when a quorum is incidentally established as described in 7-5-2122(4) and (5) solely on the basis of sharing a common office space.

(7) The following boards must meet the requirements of this section, except that meetings may be recorded, retained, and made available in audio format only:

(a) the governing board of a county with a population of less than 4,500; and

(b) the governing board of a third-class city.

(8) Expenditures by a school district on staff, consultants, equipment, software licenses, storage, or security made to fulfill the requirements of this section qualify as a school facility project under 20-9-525."

Section 2. Section 7-1-4141, MCA, is amended to read:

"**7-1-4141. Public meeting required.** (1) All meetings of municipal governing bodies, boards, authorities, committees, or other entities created by a municipality ~~shall~~ *must* be open to the public except as provided in 2-3-203.

(2) ~~Appropriate minutes shall~~ *Subject to the requirements of 2-3-212, appropriate minutes must* be kept of all public meetings and ~~shall~~ *must* be made available ~~upon request~~ to the public for inspection and copying *and meet the requirements of 2-3-214(2)(b).*"

Section 3. Appropriation. There is appropriated $5,000 from the state general fund to the department of administration for the biennium beginning July 1, 2023, for the purposes of adopting administrative rules under 2-17-518 to provide guidance and best practices for the local governments entities in [section 1(1)(f) through (1)(i)] to create audio and video meeting recordings and store and make the records publicly available online.

Section 4. Unfunded mandate laws superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2024.

(2) [Section 3] and this section are effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 742

[HB 892]

AN ACT REVISING VOTING LIMITS; PROHIBITING DOUBLE VOTING; PROVIDING A PENALTY; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTION 13-35-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-35-210, MCA, is amended to read:

"**13-35-210. Limits on voting rights.** (1) ~~No person may vote who is not entitled to vote.~~ *A person who is not an elector may not vote.*

(2) ~~No person~~ *An elector* may *not* vote more than once at an election.

~~(2)~~*(3)* ~~No~~ *A* person may *not*, for any election, apply for a ballot in the name of some other person, whether it be the name of a living, dead, or fictitious person.

(4) A person or elector may not vote in this state more than once at any election held in this state or vote in both this state and another state or territory in the same or equivalent elections, except in a special district election in which a person or elector is entitled to vote.

(5) A person or elector may not purposefully remain registered to vote in more than one place in this state or another state any time, unless related to involvement in special district elections. A person or elector previously registered to vote in another county or another state shall provide the previous registration information on the Montana voter registration application provided for in 13-2-110.

(6) A person who violates this section shall, on conviction, be fined up to $5,000, be imprisoned for up to 18 months, or both.

(7) (a) As used in this section, "equivalent elections" means:

(i) elections that have the same date for in-person voting; or

(ii) primary elections that determine which candidates appear on the ballots of general elections if those general elections have the same date for in-person voting.

(b) The term does not include a special district election held simultaneously with another election."

Section 2. Appropriation. There is appropriated $1,000 from the general fund to the secretary of state for the biennium beginning July 1, 2023, for the purpose of implementing [this act].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 743

[HB 903]

AN ACT GENERALLY REVISING LAWS RELATED TO MARIJUANA; ADDING PRESCHOOLS TO THE DISTANCE REQUIREMENT FOR A LICENSED PREMISES; ALLOWING A COMBINED-USE LICENSE TO INCREASE CANOPY TIERS; REVISING THE FEE STRUCTURE FOR LICENSING OF DISPENSARIES; REQUIRING A REPORT TO THE BOARD OF MEDICAL EXAMINERS UNDER CERTAIN CONDITIONS; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 16-12-102, 16-12-201, 16-12-207, 16-12-223, 16-12-224, 16-12-225, AND 16-12-509, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-12-102, MCA, is amended to read:

"**16-12-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

(2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

(4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.

(6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

(7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:

(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;

(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or

(iii) is otherwise in a position to control the marijuana business; or

(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.

(8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

(a) plant, cultivate, grow, harvest, and dry marijuana; and

(b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in 2-15-1301.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on ~~November 3, 2020~~ *April 27, 2021*.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

(i) a greenhouse;

(ii) a hoop house; or

(iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

(16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

(17) "Licensee" means a person holding a state license issued pursuant to this chapter.

(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.

(20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(c) The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.

(24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

(26) "Mature marijuana plant" means a harvestable marijuana plant.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

(29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in 32-1-109;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to 16-12-503 that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

(40) "Testing laboratory" means a qualified person, licensed under this chapter that:

(a) provides testing of representative samples of marijuana and marijuana products; and

(b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

(41) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.

(b) The term does not include the seeds, stalks, and roots of the plant. (Subsection (15)(b)(ii) terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.)"

Section 2. Section 16-12-201, MCA, is amended to read:

"**16-12-201. Licensing of cultivators, manufacturers, and dispensaries.** (1) (a) Between January 1, 2022, and June 30, 2023, the department may only accept applications from and issue licenses to former medical marijuana licensees that were licensed by or had an application pending with the department of public health and human services on ~~November 3, 2020~~ *April 27, 2021*, and are in good standing with the department and in compliance with this chapter, rules adopted by the department, and any applicable local regulations or ordinances as of January 1, 2022.

(b) The department shall begin accepting applications for and issuing licenses to cultivate, manufacture, or sell marijuana or marijuana products to applicants who are not former medical marijuana licensees under subsection (1)(a) on or after July 1, 2023.

(2) (a) The department shall adopt rules to govern the operation of former medical marijuana licensees and facilitate the process of transitioning former medical marijuana licensees to the appropriate license under this chapter with a minimum of disruption to business operations.

(b) Beginning January 1, 2022, a former medical marijuana licensee may sell marijuana and marijuana products to registered cardholders at the medical tax rate set forth in 15-64-102 and to consumers at the adult-use marijuana tax rate set forth in 15-64-102 under the licensee's existing license in a jurisdiction that allows for the operation of marijuana businesses pursuant to 16-12-301 until the former medical marijuana licensee's next license renewal date, by which time the former medical licensee must have applied for and obtained

the appropriate licensure under this chapter to continue operations, unless an extension of time is granted by the department.

(c) (i) Except as provided in subsection (2)(c)(ii), for the purpose of this subsection (2), "appropriate licensure" means a cultivator license, medical marijuana dispensary license, adult-use dispensary license, and, if applicable, a manufacturer license.

(ii) A former medical marijuana licensee who sells marijuana and marijuana products exclusively to registered cardholders is not required to obtain an adult-use dispensary license.

(3) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms may be prorated by the department."

Section 3. Section 16-12-207, MCA, is amended to read:

"**16-12-207. Licensing as privilege -- criteria.** (1) A cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed licensed premises, including but not limited to cultivation centers, dispensaries, and manufacturing facilities.

(2) The department may deny or revoke a license based on proof that the applicant made a false statement in any part of the original application or renewal application.

(3) (a) The department shall deny a cultivator license, manufacturer license, adult-use dispensary license, or medical marijuana license if the applicant's proposed licensed premises:

(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department;

(ii) is not approved by local building, health, or fire officials as provided for in this chapter; or

(iii) is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship, ~~or~~ as a school or postsecondary school other than a commercially operated school, *or as a child-care facility licensed or registered by the department of public health and human services,* unless the locality requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This subsection (3)(a)(iii) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school *or child-care facility* existed on the same street.

(b) For the purposes of this subsection (3), "school" ~~and "postsecondary school" have the meanings provided in 20-5-402~~ *includes public and private preschools*.

(c) The provisions of subsection (3)(a)(iii) apply to new license applications submitted on or after [the effective date of this section].

(4) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver

marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.

(5) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.

(6) A marijuana business may not utilize the United States postal service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.

(7) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.

(8) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.

(9) (a) Except as provided in subsection (9)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.

(b) Except as provided in subsection (9)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary must implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.

(c) The provisions of this subsection (9) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit or any state or local requirements relating to fire safety.

(10) Each marijuana business shall install a video monitoring system that must, at a minimum:

(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment; and

(b) be capable of being recorded as prescribed by the department.

(11) An adult-use dispensary or medical marijuana dispensary may not operate between the hours of 8 p.m. and 9 a.m. daily.

(12) A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder."

Section 4. Section 16-12-223, MCA, is amended to read:

"**16-12-223. Licensing of cultivators.** (1) (a) The department shall license cultivators according to a tiered canopy system. Except as provided in subsection (6), all cultivation that is licensed under this chapter may only occur at an indoor cultivation facility.

(b) Except as provided in subsection (6), the system ~~shall~~ *must* include, at a minimum, the following license types:

(i) A micro tier canopy license allows for a canopy of up to 250 square feet at one indoor cultivation facility.

(ii) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one indoor cultivation facility.

(iii) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two indoor cultivation facilities.

(iv) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three indoor cultivation facilities.

(v) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four indoor cultivation facilities.

(vi) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five indoor cultivation facilities.

(vii) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five indoor cultivation facilities.

(viii) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five indoor cultivation facilities.

(ix) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five indoor cultivation facilities.

(x) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six indoor cultivation facilities.

(xi) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to seven indoor cultivation facilities.

(xii) A tier 11 canopy license allows for a canopy of up to 40,000 square feet at up to eight indoor cultivation facilities.

(xiii) A tier 12 canopy license allows for a canopy of up to 50,000 square feet at up to nine indoor cultivation facilities.

(c) A cultivator shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied for the jurisdiction where each proposed indoor cultivation facility or facilities is or will be located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(d) When evaluating an initial or renewal license application, the department shall evaluate each proposed indoor cultivation facility for compliance with the provisions of 16-12-207 and 16-12-210.

(e) (i) Except as provided in subsection (1)(e)(iii), a cultivator who has reached capacity under the existing license may apply to advance to the next licensing tier in conjunction with a regular renewal application by demonstrating that:

(A) the cultivator is using the full amount of canopy currently authorized;

(B) the tracking system shows the cultivator is selling at least 80% of the marijuana produced by the square footage of the cultivator's existing license over the 2 previous quarters or the cultivator can otherwise demonstrate to the department that there is a market for the marijuana it seeks to produce; and

(C) its proposed additional or expanded indoor cultivation facility or facilities are located in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or that they are located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(ii) Except as provided in subsection (1)(e)(iii), the department may increase a licensure level by only one tier at a time.

~~(iii) Between January 1, 2022, and June 30, 2023, a cultivator may increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsections (1)(e)(i)(A) and (1)(e)(i)(B).~~

(iii) A cultivator under a combined-use license may increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsections (1)(e)(i)(A) and (1)(e)(i)(B).

(iv) The department shall conduct an inspection of the cultivator's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(f) A marijuana business that has not been issued a license before July 1, 2023, must be initially licensed at a tier 2 canopy license or lower.

(2) The department is authorized to create additional tiers as necessary.

(3) The department may adopt rules:

(a) for inspection of proposed indoor cultivation facilities under subsection (1);

(b) for investigating owners or applicants for a determination of financial interest; and

(c) in consultation with the department of agriculture and based on well-supported science, to require licensees to adopt practices consistent with the prevention, introduction, and spread of insects, diseases, and other plant pests into Montana.

(4) Initial licensure and annual fees for these licensees are:

(a) $1,000 for a cultivator with a micro tier canopy license;

(b) $2,500 for a cultivator with a tier 1 canopy license;

(c) $5,000 for a cultivator with a tier 2 canopy license;

(d) $7,500 for a cultivator with a tier 3 canopy license;

(e) $10,000 for a cultivator with a tier 4 canopy license;

(f) $13,000 for a cultivator with a tier 5 canopy license;

(g) $15,000 for a cultivator with a tier 6 canopy license;

(h) $17,500 for a cultivator with a tier 7 canopy license;

(i) $20,000 for a cultivator with a tier 8 canopy license;

(j) $23,000 for a cultivator with a tier 9 canopy license;

(k) $27,000 for a cultivator with a tier 10 canopy license;

(l) $32,000 for a cultivator with a tier 11 canopy license; and

(m) $37,000 for a cultivator with a tier 12 canopy license.

(5) The fee required under this part may be imposed based only on the tier of licensure and may not be applied separately to each indoor cultivation facility used for cultivation under the licensure level.

(6) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation."

Section 5. Section 16-12-224, MCA, is amended to read:

"**16-12-224. Licensing of dispensaries.** (1) Except as provided in 16-12-201(2), an applicant for a dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(2) When evaluating an initial or renewal application, the department shall evaluate each proposed dispensary for compliance with the provisions of 16-12-207 and 16-12-210.

(3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.

(4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders marijuana, marijuana products, and live marijuana plants.

(5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana plants to consumers or registered cardholders.

(6) *(a)* The department shall charge a dispensary license fee for an initial application and at each renewal.

(b) The dispensary license fee is $5,000 for ~~each~~ *the first* location that a licensee operates as an adult-use dispensary or a medical marijuana dispensary. *The dispensary license fee increases cumulatively by $5,000 for each additional location under the same license.*

(7) The department may adopt rules:

(a) for inspection of proposed dispensaries;

(b) for investigating owners or applicants for a determination of financial interest; and

(c) establishing or limiting the THC content of the marijuana or marijuana products that may be sold at an adult-use dispensary or medical marijuana dispensary.

(8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(b) Except as provided in subsection (8)(c), for purposes of this chapter, a single package is limited to:

(i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive THC of marijuana flower may not exceed 35%.

(ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule and no more than 800 milligrams of THC per package.

(iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;

(iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of THC. A single serving of an edible marijuana product may not exceed 10 milligrams of THC.

(v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and no more than 800 milligrams of THC per package;

(vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package; and

(vii) for any other marijuana product, no more than 800 milligrams of THC.

(c) A dispensary may sell marijuana or marijuana products having higher THC potency levels than described in subsection (8) to registered cardholders.

(9) A licensee or employee is prohibited from conducting a transaction that would result in a consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-12-515."

Section 6. Section 16-12-225, MCA, is amended to read:

"**16-12-225. Combined-use marijuana licensing -- requirements.** (1) The department may issue a total of eight combined-use marijuana licenses to entities that are:

(a) a federally recognized tribe located in the state; or

(b) a business entity that is majority-owned by a federally recognized tribe located in the state.

(2) A combined-use marijuana license consists of one ~~tier 1 canopy~~ *cultivator* license and one dispensary license allowing for the operation of a dispensary. Cultivation and dispensary facilities must be located at the same licensed premises.

(3) Initial licensure and annual fees for a combined-use license is $7,500.

~~(3)~~*(4)* A combined-use marijuana licensee shall operate its cultivation and dispensary facilities on land that is located:

(a) within 150 air-miles of the exterior boundary of the associated tribal reservation or, for the Little Shell Chippewa tribe only, within 150 air-miles of the tribal service area; and

(b) in a county that has satisfied the local government approval provisions in 16-12-301 if the majority of voters in the county voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

~~(4)~~*(5)* An applicant under this section must satisfy all licensing requirements under this chapter and is subject to all fees and taxes associated with the cultivation and sale of marijuana or marijuana products provided for in this chapter.

~~(5)~~*(6)* A license granted under this section must be operated in compliance with all requirements imposed under this chapter.

~~(6)~~*(7)* After a tribe or a majority-owned business of that tribe is licensed under this section, that tribe or another majority-owned business of that tribe may not obtain another combined-use license until the prior license is relinquished, lapses, or is revoked by the department."

Section 7. Section 16-12-509, MCA, is amended to read:

"**16-12-509. Written certification -- accompanying statements.** (1) The written certification provided by a physician must be made on a form prescribed by the department and signed and dated by the physician. The written certification must:

(a) include the physician's name, license number, and office address and telephone number on file with the board of medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the patient for whom the physician is providing written certification.

(2) A treating physician or referral physician who is providing written certification for a patient shall provide a statement initialed by the physician that must:

(a) confirm that the physician is:

(i) the patient's treating physician and that the patient has been under the physician's ongoing medical care as part of a bona fide professional relationship with the patient; or

(ii) the patient's referral physician;

(b) confirm that the patient suffers from a debilitating medical condition;

(c) describe the debilitating medical condition, why the condition is debilitating, and the extent to which it is debilitating;

(d) confirm that the physician has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination, whether in person or, in accordance with subsection (4), through the use of telemedicine, that included a personal review of any medical records maintained by other physicians and that may have included the patient's reaction and response to conventional medical therapies;

(e) describe the medications, procedures, and other medical options used to treat the condition;

(f) confirm that the physician has reviewed all prescription and nonprescription medications and supplements used by the patient and has considered the potential drug interaction with marijuana;

(g) state that the physician has a reasonable degree of certainty that the patient's debilitating medical condition would be alleviated by the use of marijuana and that, as a result, the patient would be likely to benefit from the use of marijuana;

(h) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the patient;

(i) list restrictions on the patient's activities due to the use of marijuana;

(j) specify the time period for which the use of marijuana would be appropriate, up to a maximum of 1 year;

(k) state that the physician will:

(i) continue to serve as the patient's treating physician or referral physician; and

(ii) monitor the patient's response to the use of marijuana and evaluate the efficacy of the treatment; and

(l) contain an attestation that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct.

(4) A physician who is providing written certification through the use of telemedicine:

(a) shall comply with the administrative rules adopted for telemedicine by the board of medical examiners provided for in 2-15-1731; and

(b) may not use an audio-only visit unless the physician has first established a physician-patient relationship through an in-person encounter.

(5) If the written certification states that marijuana should be used for less than 1 year, the department shall issue a registry identification card that is valid for the period specified in the written certification.

(6) The department shall provide the board of medical examiners with the name of any physician who provides a written certification for 39 or more patients within any given calendar year. The board of medical examiners shall review the physician's practices in order to determine whether the practices meet the standard of care. The physician whose practices are under review shall pay the costs of the board's review activities."

Section 8. Appropriation. There is appropriated $1,000 from the state special revenue fund under 16-12-111 to the department of revenue for the biennium ending June 30, 2023, for the purposes of notification to licensees of the provisions of [this act].

Section 9. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 10. Coordination instruction. If both House Bill No. 128 and [this act] are passed and approved, and if both amend 16-12-223, then [section 20 of House Bill No. 128], amending 16-12-223, is void and [section 5 of this act], amending 16-12-223, must be amended as follows:

"16-12-223. Licensing of cultivators. (1) (a) The department shall license cultivators according to a tiered canopy system. Except as provided in subsection (6), all cultivation that is licensed under this chapter may only occur at an indoor cultivation facility.

(b) Except as provided in subsection (6), the system ~~shall~~ *must* include, at a minimum, the following license types:

(i) A micro tier canopy license allows for a canopy of up to 250 square feet at one indoor cultivation facility.

(ii) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one indoor cultivation facility.

(iii) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two indoor cultivation facilities.

(iv) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three indoor cultivation facilities.

(v) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four indoor cultivation facilities.

(vi) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five indoor cultivation facilities.

(vii) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five indoor cultivation facilities.

(viii) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five indoor cultivation facilities.

(ix) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five indoor cultivation facilities.

(x) A tier 9 canopy license allows for a canopy of up to 20,000 square feet at up to six indoor cultivation facilities.

(xi) A tier 10 canopy license allows for a canopy of up to 30,000 square feet at up to seven indoor cultivation facilities.

(xii) A tier 11 canopy license allows for a canopy of up to 40,000 square feet at up to eight indoor cultivation facilities.

(xiii) A tier 12 canopy license allows for a canopy of up to 50,000 square feet at up to nine indoor cultivation facilities.

(c) A cultivator shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied for the jurisdiction where each proposed indoor cultivation facility or facilities is or will be located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.

(d) When evaluating an initial or renewal license application, the department shall evaluate each proposed indoor cultivation facility for compliance with the provisions of 16-12-207 and 16-12-210.

(e) (i) Except as provided in subsection (1)(e)(iii), a cultivator who has reached capacity under the existing license may apply to advance to the next licensing tier in conjunction with a regular renewal application by demonstrating that:

(A) the cultivator is using the full amount of canopy currently authorized;

(B) the tracking system shows the cultivator is selling at least 80% of the marijuana produced by the square footage of the cultivator's existing license over the 2 previous quarters or the cultivator can otherwise demonstrate to the department that there is a market for the marijuana it seeks to produce; and

(C) its proposed additional or expanded indoor cultivation facility or facilities are located in a jurisdiction where the local government approval provisions contained in 16-12-301 have been satisfied or that they are located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election.

(ii) Except as provided in subsection (1)(e)(iii), the department may increase a licensure level by only one tier at a time.

~~(iii) Between January 1, 2022, and June 30, 2023, a cultivator may increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsections (1)(e)(i)(A) and (1)(e)(i)(B).~~

(iii) A cultivator under a combined-use license may increase its licensure level by more than one tier at a time, up to a tier 5 canopy license, without meeting the requirements of subsections (1)(e)(i)(A) and (1)(e)(i)(B).

(iv) The department shall conduct an inspection of the cultivator's registered premises and proposed premises within 30 days of receiving the application and before approving the application.

(f) A marijuana business that has not been issued a license before ~~July 1, 2023~~ *July 1, 2025*, must be initially licensed at a tier 2 canopy license or lower.

(2) The department is authorized to create additional tiers as necessary.

(3) The department may adopt rules:

(a) for inspection of proposed indoor cultivation facilities under subsection (1);

(b) for investigating owners or applicants for a determination of financial interest; and

(c) in consultation with the department of agriculture and based on well-supported science, to require licensees to adopt practices consistent with the prevention, introduction, and spread of insects, diseases, and other plant pests into Montana.

(4) Initial licensure and annual fees for these licensees are:

(a) $1,000 for a cultivator with a micro tier canopy license;

(b) $2,500 for a cultivator with a tier 1 canopy license;

(c) $5,000 for a cultivator with a tier 2 canopy license;

(d) $7,500 for a cultivator with a tier 3 canopy license;

(e) $10,000 for a cultivator with a tier 4 canopy license;

(f) $13,000 for a cultivator with a tier 5 canopy license;

(g) $15,000 for a cultivator with a tier 6 canopy license;

(h) $17,500 for a cultivator with a tier 7 canopy license;

(i) $20,000 for a cultivator with a tier 8 canopy license;

(j) $23,000 for a cultivator with a tier 9 canopy license;

(k) $27,000 for a cultivator with a tier 10 canopy license;

(l) $32,000 for a cultivator with a tier 11 canopy license; and

(m) $37,000 for a cultivator with a tier 12 canopy license.

(5) The fee required under this part may be imposed based only on the tier of licensure and may not be applied separately to each indoor cultivation facility used for cultivation under the licensure level.

(6) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation."

Section 11. Coordination instruction. If both House Bill No. 128 and [this act] are passed and approved, and if both amend 16-12-201, then [section 11 of House Bill No. 128], amending 16-12-201, is void and [section 2 of this act], amending 16-12-201, must be amended as follows:

"16-12-201. Licensing of cultivators, manufacturers, and dispensaries. (1) (a) Between January 1, 2022, and ~~June 30, 2023~~ *June 30, 2025*, the department may only accept applications from and issue licenses to former medical marijuana licensees that were licensed by or had an application pending with the department of public health and human services on ~~November 3, 2020~~ *April 27, 2021*, and are in good standing with the department and in compliance with this chapter, rules adopted by the department, and any applicable local regulations or ordinances as of January 1, 2022.

(b) The department shall begin accepting applications for and issuing licenses to cultivate, manufacture, or sell marijuana or marijuana products to applicants who are not former medical marijuana licensees under subsection (1)(a) on or after ~~July 1, 2023~~ *July 1, 2025*.

(2) (a) The department shall adopt rules to govern the operation of former medical marijuana licensees and facilitate the process of transitioning former medical marijuana licensees to the appropriate license under this chapter with a minimum of disruption to business operations.

(b) Beginning January 1, 2022, a former medical marijuana licensee may sell marijuana and marijuana products to registered cardholders at the medical tax rate set forth in 15-64-102 and to consumers at the adult-use marijuana tax rate set forth in 15-64-102 under the licensee's existing license in a jurisdiction that allows for the operation of marijuana businesses pursuant to 16-12-301 until the former medical marijuana licensee's next license renewal date, by which time the former medical licensee must have applied for and obtained the appropriate licensure under this chapter to continue operations, unless an extension of time is granted by the department.

(c) (i) Except as provided in subsection (2)(c)(ii), for the purpose of this subsection (2), "appropriate licensure" means a cultivator license, medical marijuana dispensary license, adult-use dispensary license, and, if applicable, a manufacturer license.

(ii) A former medical marijuana licensee who sells marijuana and marijuana products exclusively to registered cardholders is not required to obtain an adult-use dispensary license.

(3) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms may be prorated by the department."

Section 12. Coordination instruction. If both House Bill No. 128 and [this act] are passed and approved, and if both amend 16-12-102, then [section 3 of House Bill No. 128], amending 16-12-102, is void and [section 1 of this act], amending 16-12-102, must be amended as follows:

"16-12-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

(2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

(4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.

(6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

(7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:

(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;

(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or

(iii) is otherwise in a position to control the marijuana business; or

(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.

(8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

(a) plant, cultivate, grow, harvest, and dry marijuana; and

(b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in 2-15-1301.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on ~~November 3, 2020~~ *April 27, 2021*.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

(i) a greenhouse;

(ii) a hoop house; or

(iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

(16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

(17) "Licensee" means a person holding a state license issued pursuant to this chapter.

(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.

(20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(c) The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.

(24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer ~~by a means other than smoking~~. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates*, including concentrates intended for use by smoking or vaping*.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

(26) "Mature marijuana plant" means a harvestable marijuana plant.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

(29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in 32-1-109;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to 16-12-503 that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

~~(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses~~.

~~(40)~~*(39)* "Testing laboratory" means a qualified person, licensed under this chapter that:

(a) provides testing of representative samples of marijuana and marijuana products; and

(b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

~~(41)~~*(40)* (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.

(b) The term does not include the seeds, stalks, and roots of the plant. (Subsection (15)(b)(ii) terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.)"

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 14. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 3] is effective January 1, 2024.

Approved May 22, 2023

CHAPTER NO. 744

[HB 904]

AN ACT GENERALLY REVISING COMMERCIAL DRIVER'S LICENSES; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE FREE COMMERCIAL DRIVER'S LICENSE TRAINING; REVISING COMMERCIAL DRIVER'S LICENSE LAW TO COMPLY WITH FEDERAL REQUIREMENTS; DIRECTING THE DEPARTMENT OF JUSTICE TO QUERY THE ENTRY-LEVEL DRIVER TRAINING PROVIDER REGISTRY AND THE COMMERCIAL DRUG AND ALCOHOL CLEARINGHOUSE UNDER CERTAIN CONDITIONS; REQUIRING THE DEPARTMENT TO TAKE CERTAIN ACTIONS AS A RESULT OF THE REQUIRED QUERIES; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 61-5-110 AND 61-14-202, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. CDL entry-level driver training -- rulemaking. The department of transportation shall provide entry-level driver training for commercial driver's licenses that complies with federal requirements for class A and class B commercial driver's licenses, excluding endorsements, free of cost to persons eligible to receive a Montana commercial driver's license. The training must be available in each of the transportation commission districts established in 2-15-2502 and must include sufficient virtual or in-person classroom and vehicle time so that a student is eligible to apply for a commercial driver's license. The department of transportation may adopt rules necessary to implement this section.

Section 2. Section 61-5-110, MCA, is amended to read:

"**61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a driver's license, the

department shall conduct a check of the applicant's driving record by querying the national driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system, established under 49 U.S.C. 31309.

(2) (a) The department shall examine each applicant for a driver's license or motorcycle endorsement, except as otherwise provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test examining the applicant's ability to read and understand highway signs and the applicant's knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or motorcycle. The road test or skills test must be performed by the applicant in a motor vehicle that the applicant certifies is representative of the class and type of motor vehicle for which the applicant is seeking a license or endorsement.

(b) The knowledge test, road test, or skills test may be waived by the department:

(i) upon certification of the applicant's successful completion of the test by a certified cooperative driver testing program as provided in subsection ~~(3)~~ *(4)* or by a certified third-party commercial driver testing program as provided in 61-5-118; or

(ii) in accordance with a driver's license reciprocity agreement between the department and a foreign country.

(c) The skills test may be waived by the department upon the applicant's completion of the requirements of 61-5-123.

(3) The department shall, pursuant to administrative rule authority granted in 61-14-202(4), (5), and (6), conduct records checks prior to processing a nonexempt commercial driver's license application and prior to renewing, transferring, or upgrading a commercial driver's license or commercial learner's permit, and shall act in conformity with the legislative direction provided in 61-14-202(5) and (6) upon receiving results from records checks. The department shall implement the administrative rules on or before January 1, 2024.

~~(3)~~*(4)* The department is authorized to certify as a cooperative driver testing program any state-approved high school traffic education course offered by or in cooperation with a school district that employs an approved instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic education or any motorcycle safety training course approved by the board of regents and that employs an approved instructor of motorcycle safety training and who agrees to:

(a) administer standardized knowledge and road tests or skills tests required by the department to students participating in the district's high school traffic education courses or motorcycle safety training courses approved by the board of regents;

(b) certify the test results to the department; and

(c) comply with regulations of the department, the superintendent of public instruction, and the board of regents.

~~(4)~~*(5)* (a) Except as otherwise provided by law, an applicant who has a valid driver's license issued by another jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement upon payment of the required fees and successful completion of a vision examination. In addition, an applicant surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any examination required by federal regulations before being issued a commercial driver's license by the department.

(b) The department may require an applicant who surrenders a valid driver's license issued by another jurisdiction to submit to a knowledge and road or skills test if:

(i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the surrendered license does not include readily discernible adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

(c) When a license from another jurisdiction is surrendered, the department shall notify the issuing agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain the license from another jurisdiction for identification or other nondriving purposes, the department shall place a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return the marked license to the applicant.

~~(5)~~*(6)* The department may enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the department determines that the licensing standards of the foreign country are comparable to those of this state. The agreement may not include the reciprocal exchange of a commercial driver's license."

Section 3. Section 61-14-202, MCA, is amended to read:

"**61-14-202. Rulemaking authority -- commercial driver licensing.** (1) The department shall adopt rules governing the classification of commercial driver's licenses and related endorsements and the examination of commercial driver's license applicants and renewal applicants that the department considers necessary for the safety and welfare of the traveling public. The rules must:

(a) subject to the department's functional and vision requirements, conform to the licensing standards and requirements of 49 CFR, part 383, the medical qualification of 49 CFR, part 391, and the security threat assessment provisions of 49 CFR, part 1572;

(b) allow for the issuance of an interstate commercial driver's license;

(c) allow for the issuance of an intrastate-only commercial driver's license, including the establishment of medical qualification and visual acuity standards;

(d) establish the requirement for the issuance of a seasonal commercial driver's license, including the waiver of the knowledge and skills test for a qualified person employed in a farm-related service industry;

(e) establish the operational and seasonal restrictions for a seasonal commercial driver's license;

(f) establish the requirements for the medical statement that must be submitted for a person to be qualified for a commercial driver's license; and

(g) allow for and establish the requirements for the issuance of a commercial learner's permit.

(2) The department shall adopt rules governing the minimum standards for certification of a third-party commercial driver testing program and any test waiver under 61-5-118 and governing the certification, operation, and monitoring of third-party skills testing programs. The rules must:

(a) substantially comply with the licensing standards and requirements of 49 CFR, part 383, and the state compliance standards of 49 CFR, part 384, including:

(i) issuance of a commercial driver's license skills testing certificate to a certified program upon execution of a third-party skills testing agreement;

(ii) requiring that all third-party skills test examiners meet minimum qualifications, including passing background checks paid for by the third-party testing program and successfully completing a formal skills test examiner training course;

(iii) providing examiner test limitations, minimum testing standards, and refresher training requirements; and

(iv) requiring recordkeeping and a detailed audit program that includes overt and covert test monitoring and onsite audits by state and federal personnel;

(b) specifically address the requirements for certifying third-party commercial driver testing programs, including place of business, appropriate bond and liability insurance, and facilities requirements; and

(c) specify minimum technology requirements for recordkeeping, scheduling applicants for the skills test, conducting the skills test, and electronically transferring skills test results to the department.

(3) The department shall adopt rules governing the waiver of knowledge and skills tests related to commercial vehicle operators with military experience *as provided in 61-5-123.*

(4) The department shall adopt rules governing the administration of a commercial driver's license skills test for a nonexempt applicant for a class A or class B commercial driver's license, for upgrading a commercial driver's license from class B to class A, and for obtaining a passenger or school bus endorsement and the administration of a knowledge test for a hazardous materials endorsement. The rules must provide for the department conducting an electronic query to the entry-level driver training provider registry. The rules must provide that the department may not conduct a skills test or hazardous materials endorsement knowledge test when the entry-level driver training provider registry does not validate that the nonexempt applicant completed the requisite entry-level driver training.

(5) The department shall adopt rules that provide that prior to issuing, renewing, transferring, or upgrading a commercial driver's license or commercial learner's permit, the department shall conduct a check of the applicant's eligibility by electronically querying the commercial drug and alcohol clearinghouse. The rules must provide that the department may not issue, renew, transfer, or upgrade a commercial driver's license or commercial learner's permit when the result from the clearinghouse indicates the driver is prohibited from operating a commercial motor vehicle.

(6) The department shall adopt rules that provide that upon receiving federal motor carrier safety administration notification that the commercial learner's permit or commercial driver's license holder is prohibited from operating a commercial motor vehicle, the department shall initiate established procedures for downgrading the commercial learner's permit or commercial driver's license. The rules must provide that downgrade must be completed and recorded on the commercial driver's license system driver record within 60 days of the notification. The rules must further provide that if, after the department completes and records the downgrade on the commercial driver's license system driver record, the department receives federal motor carrier safety administration notification that:

(a) a driver is no longer prohibited from operating a commercial motor vehicle, the department shall make the driver eligible for reinstatement of the commercial learner's permit or commercial driver's license privilege to the driver's license; and

(b) the driver was erroneously identified as prohibited from operating a commercial motor vehicle, the department shall:

(i) reinstate the commercial learner's permit or commercial driver's license privilege to the driver's license as expeditiously as possible; and

(ii) expunge from the commercial driver's license system driver record and motor vehicle record any reference related to the driver's erroneous prohibited status."

Section 4. Appropriation. (1) There is appropriated $100,000 from the general fund to the department of transportation for the biennium beginning July 1, 2023, to implement [section 1].

(2) There is appropriated $20,000 from the general fund to the department of justice for the biennium beginning July 1, 2023, to implement commercial driver's license rulemaking and records checks.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 1].

Section 6. Coordination instruction. If both Senate Bill No. 47 and [this act] are passed and approved, then [section 1 of Senate Bill No. 47] is void, [sections 2 and 3 of this act] are void, and [section 1 of this act] must be replaced with:

"NEW SECTION. **Section 1. Entry-level driver training -- requirements -- responsibilities of department of transportation.** (1) The department of transportation:

(a) shall develop and implement an entry-level driver training program, including theory and behind-the-wheel training, that complies with federal requirements for class A and class B commercial driver's licenses, excluding endorsements;

(b) shall make available to the public the entry-level driver training program provided for in subsection (1)(a), which must be free of cost to Montana residents eligible to receive a commercial driver's license and must be available in each of the transportation commission districts established in 2-15-2502;

(c) may utilize various formats of entry-level driver trainings, including in-person training and asynchronous or synchronous virtual training; and

(d) may coordinate with other state agencies or organizations to develop and implement entry-level driver training.

(2) An entry-level driver training program developed by the department of transportation must include use of facilities, vehicles, and instructors sufficient to issue a commercial driver's license.

(3) The department of transportation may establish rules for the development and administration of an entry-level driver training program."

Section 7. Effective dates. (1) [Sections 1 through 3, 5, and 6] and this section are effective on passage and approval.

(2) [Section 4] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 745

[HB 946]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; PROVIDING FOR REPORTS TO THE EDUCATION INTERIM BUDGET COMMITTEE FROM THE MONTANA STATE LIBRARY, THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION, AND THE OFFICE OF PUBLIC INSTRUCTION; REVISING EDUCATION LAWS RELATED TO EARLY EDUCATION AND KINDERGARTEN; ESTABLISHING UNDER WHAT EXCEPTIONAL CIRCUMSTANCES A SCHOOL DISTRICT MAY ADMIT STUDENTS OUTSIDE REGULAR AGE PARAMETERS; CLARIFYING THAT KINDERGARTEN IS A SINGLE-YEAR PROGRAM; PROVIDING THAT THE EDUCATION INTERIM BUDGET COMMITTEE DIRECT A STUDY RELATED TO SERVICES PROVIDED BY THE DEPARTMENT OF ADMINISTRATION; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-5-101 AND 20-7-117, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Montana state library report to education interim budget committee. (1) The Montana state library shall report on its hot spot program activities to the education interim budget committee provided for in 5-12-501 by September 1, 2023.

(2) The Montana state library shall report on the following items to the education interim budget committee provided for in 5-12-501 by September 1, 2024:

(a) library deployment locations;

(b) the comparison of rural and urban deployment locations;

(c) hot spot usage measured by gigabytes for each device and by library; and

(d) verification that any commercial activity usage of the hot spots is consistent with library policy.

(3) These reports must be provided in a digital and printed format to the committee.

Section 2. Education interim budget committee study of fiscal issues regarding education. For the 2023-2024 interim, the education interim budget committee provided for in 5-12-501 shall direct a study of potential services the department of administration may be able to provide to the Montana arts council, the Montana historical society, and the Montana state library to create operating efficiencies.

Section 3. Office of commissioner of higher education reports. (1) The office of the commissioner of higher education shall report to the education interim budget committee provided for in 5-12-501 on the funding provided to the tribal colleges for high school equivalency test (HiSET) preparation through the HiSET to Tribal Colleges line-item in House Bill No. 2.

(2) The report must include the following information:

(a) the name of the tribal college receiving state funding and the amount received;

(b) a description of how each tribal college uses that funding;

(c) the number of individuals enrolled in the program at each tribal college;

(d) the number of individuals who completed the program at each tribal college; and

(e) the number of individuals who completed the program and passed the test.

(3) The report must be provided in a digital and printed format by September 1, 2023, and by September 1, 2024.

(4) (a) The office of the commissioner of higher education shall report to the education interim budget committee provided for in 5-12-501 on all existing collaborations, partnerships, contracts, donations, and contributions related to an entity or individual associated with a foreign country of concern. The first report must be made by July 31, 2023. Following the first report, the office of the commissioner of higher education shall report twice more during the following year, by January 31 and July 31.

(b) The report required in subsection (4)(a) must include the following information:

(i) a description of each partnership, collaboration, contract, donation, or contribution;

(ii) the goal of the partnership, collaboration, contract, donation, or contribution;

(iii) the length of the partnership, collaboration, contract, donation, or contribution;

(iv) whether the arrangement is curriculum oriented or research oriented;

(v) the full legal name of the individual or entity that made or received the contribution or donation or entered into the contract to which the disclosure pertains;

(vi) whether or not the state institution received financial compensation for the arrangement and the amount of the compensation; and

(vii) whether or not the entity received financial compensation from the institution and the amount of the compensation.

(c) The report required in subsection (4)(a) applies to all units of the Montana university system and any departments, centers, institutes, or other activities of the Montana university system.

(5) As used in subsection (4), the following definitions apply:

(a) "Entity or individual associated with a foreign country of concern" means:

(i) a foreign corporation created or organized in a foreign country of concern;

(ii) a foreign national from a foreign country of concern;

(iii) a government entity from a foreign country of concern

(iv) an entity controlled by the government of a foreign country of concern;

(v) a domestic or foreign subsidiary of an entity located within a foreign country of concern; or

(vi) a domestic nonprofit organization that has received more than $100,000 in one calendar year or more than 10% of its total funding for that year, whichever is less, from an entity described in subsections (4)(a)(i) through (4)(a)(iv).

(b) "Foreign corporation" means a corporation or other business entity that was not created or organized in the United States or under the laws of the United States, any of its states, or the District of Columbia.

(c) "Foreign country of concern" means a country that is a covered nation as defined in 10 U.S.C. 4872(d).

Section 4. Office of public instruction report. (1) The office of public instruction shall report for each school district participating in the advanced opportunity grant program under 20-7-1506:

(a) the total amount of funding received and the total amount expended; and

(b) for each opportunity afforded to a student:

(i) a description of the opportunity;

(ii) whether the opportunity was afforded within the school or was an out-of-school experience;

(iii) the number of students participating in the opportunity; and

(iv) the funds expended on the opportunity.

(2) The office of public instruction shall report for each school district participating in the transformational learning grant program:

(a) the total amount of funding received and the total amount expended;

(b) a description of the transformational activities being provided through the program;

(c) the metrics used for evaluating the effectiveness of each transformational activity;

(d) an assessment of the effectiveness of each transformational activity; and

(e) future plans for each transformational activity.

(3) By September 1, 2023, and by September 1, 2024, the office of public instruction shall report on innovative educational donations made pursuant to 15-30-3111. The report must include the following information:

(a) for a public school district:

(i) the name of the school district receiving a donation;

(ii) the total amount of donations received by the school district in the current fiscal year; and

(iii) how those donations were used by that public school district;

(b) for each nonpublic school entity:

(i) the name of the entity and its address;

(ii) the total amount of donations received by the entity in the current fiscal year; and

(iii) how those donations were used by that entity; and

(c) the amount of funds retained for covering overhead costs by the entity that administered the program.

(4) These reports must be provided in a digital and printed format to the committee.

Section 5. Section 20-5-101, MCA, is amended to read:

"**20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school in the district when the child is:

(a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) *(a)* The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.

(b) As used in this subsection (3), "exceptional circumstances" means any of the following:

(i) the child is being admitted into a preschool program established by the trustees pursuant to 20-7-117;

(ii) the child is determined by the trustees to be ready for kindergarten and the child's parents have requested early entry into the district's regular 1-year kindergarten program; or

(iii) the adult is 19 years of age or older and in the trustees' determination would benefit from educational programs offered by a school of the district.

(c) The admittance of an individual under this subsection (3) does not in and of itself impact the ANB calculations governed by 20-9-311.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) The trustees shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the district prior to arrival and establishing residency.

(6) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title.

(7) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final."

Section 6. Section 20-7-117, MCA, is amended to read:

"**20-7-117. Kindergarten and preschool programs.** (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been ~~enrolled by special permission of~~ *admitted through the exceptional circumstances provision under 20-5-101 by* the board of trustees. The kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been ~~enrolled by special permission of~~ *admitted to the district's kindergarten program by* the board of trustees *through the exceptional circumstances provision under 20-5-101.* A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid.

(3) As used in Title 20, the following definitions apply:

(a) "Kindergarten program" means a half-time or full-time 1-year program immediately preceding a child's entry into 1st grade with curriculum and instruction selected by the board of trustees and aligned to the content standards established by the board of public education.

(b) "Preschool program" means a half-time or full-time program to prepare children for entry into kindergarten and governed by the standards adopted by the board of public education."

Section 7. Effective date. [This act] is effective July 1, 2023.

Section 8. Coordination instruction. If House Bill No. 352 is passed and approved, then [sections 5 and 6] are void.

Section 9. Coordination instruction. If House Bill No. 212, House Bill No. 587, and [this act] are all passed and approved, then the sections of House Bill No. 212 and House Bill No. 587 amending 20-9-366 are void, and 20-9-366 must be amended as follows:

"20-9-366. Definitions. ~~As~~ *Subject to adjustments pursuant to [section 1 of House Bill No. 587], as* used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's prior year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes*, means, subject to adjustment under [section 1 of House Bill No. 587],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's BASE budget after the following payments are subtracted:

(a) direct state aid;

(b) the total data-for-achievement payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment;

(f) the total American Indian achievement gap payment; and

(g) the state special education allowable cost payment.

(5) (a) ~~Except as provided in subsection (6),~~ "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means*, subject to adjustment under [section 1 of House Bill No. 587],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~250% for fiscal year 2022 and~~ 254% for fiscal year ~~2023~~

2024 and by 259% for fiscal year 2025 and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall increase the multiplier*, not to exceed 262%,* in this subsection (5)(a) as follows:

(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least $1 million more than the revenue transferred in the fiscal year 2 years prior, then:

(A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by $500,000, and round to the nearest whole number; and

(B) add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to~~:~~

~~(I) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the prior fiscal year;

~~(II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6);~~

(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than $1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to~~:~~

~~(A) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the prior fiscal year; ~~or~~

~~(B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and~~

(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031*; and*

(iv) for all multiplier increases under this subsection (5)(a), the calculations are made in the year prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax base aid.

(b) "~~statewide~~ *Statewide* mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means*, subject to adjustment under [section 1 of House Bill No. 587],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~121%~~ *189%* and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

~~(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 4 percentage points following certification by the budget director of a contingency pursuant to Chapter 506, Laws of 2021:~~

~~(a) for fiscal year 2023 if the certification is made during calendar year 2021;~~

~~(b) for fiscal year 2024 if the certification is made during calendar year 2022;~~

~~(c) for fiscal year 2025 if the certification is made during calendar year 2023; and~~

~~(d) for fiscal year 2026 if the certification is made during calendar year 2024.~~ "

Section 10. Applicability. [Sections 5 and 6] apply to school years beginning on or after July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 746

[HB 948]

AN ACT REVISING MARIJUANA LAWS; PROHIBITING THE MANUFACTURE AND DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT BY DEPARTMENTS AND LAW ENFORCEMENT; PROVIDING FOR RESTRICTIONS BY LOCAL GOVERNMENTS; CLARIFYING UNLAWFUL TRANSACTIONS REGARDING THE DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS TO CHILDREN; CLARIFYING THE OFFENSE OF ALTERING A LABEL ON DANGEROUS DRUGS; REQUIRING PUBLIC REPORTING OF VIOLATIONS; CREATING A TEMPORARY ADVISORY COUNCIL; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 16-12-101, 16-12-102, 16-12-108, 16-12-125, 16-12-208, 45-5-623, 45-9-105, 50-32-222, AND 80-18-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Synthetic marijuana products prohibited -- restriction on sale of marijuana products. (1) A person may not manufacture, process, or offer for sale a synthetic marijuana product.

(2) Products containing or consisting of cannabinoids produced and processed for any type of consumption into a human body, whether marketed as containing or consisting of cannabinoids or not, that exceed a THC concentration of 0.3% may only be sold by a manufacturer licensed under 16-12-222 or a dispensary licensed under 16-12-224 unless the products are authorized as a drug by the United States food and drug administration. Products under this section may not exceed the potency levels established in 16-12-224.

(3) Products containing a THC concentration of 0.3% or less sold by any person other than a licensed manufacturer under 16-12-222 or a licensed dispensary under 16-12-224 may not exceed 0.5 milligrams of THC for each serving and may not exceed 2 milligrams per package.

(4) This section does not apply to unadulterated hemp flower that is not further processed into extracts, infused products, or concentrates.

Section 2. Enforcement -- ordinances -- investigations -- injunctions -- violation. (1) A local government may, by ordinance or otherwise, impose regulations regarding products under [section 1(1) and (3)].

(2) The department of agriculture, the department of justice, the department of public health and human services, local sheriff departments, municipal police departments, a county attorney's office, and the department of revenue may inspect any business to investigate unlawful activity under [section 1(1)].

(3) (a) If an investigation results in reasonable cause to believe that a violation of [section 1] occurred, the investigating agency may issue a cease and desist order to be served pursuant to Rule 4, M.R.Civ.P. The order is effective upon service. Proof of service constitutes notice to the person of the existence and contents of the order.

(b) The investigating agency may assess a penalty of not more than $1,000 per day for each day a cease and desist order issued under this section is violated. Fifty percent of the penalty must be deposited into the healing and ending addiction through recovery and treatment account under 16-12-122, and the remainder must be deposited in the marijuana state special revenue account under 16-12-111.

(4) (a) The investigating agency may institute and maintain in the name of the state an action for injunction or another civil remedy in district court to enforce a cease and desist order under this section. Proof of inadequacy of a legal remedy or proof of substantial or irreparable damage from continued violation is not required. It is sufficient to charge that the person engaged in the unlawful conduct subject to [section 1] on a certain day in a certain county without averring further or more particular facts concerning the violation.

(b) The department is entitled to its costs, including the costs of investigation and attorney fees, incurred in seeking a district court order under this section.

(c) A person who knowingly or purposely violates a district court injunction under this section is guilty of a felony and subject to the penalties set forth in 46-18-213.

(5) An officer, agent, partner, or member of a business entity who knowingly and personally participates in a violation of this section is subject to the penalties prescribed in this section.

(6) The remedies provided for in this section are in addition to and do not limit the remedies and actions otherwise permitted or required by law.

(7) A violation of [section 1(1)] may be enforced under:

(a) criminal distribution of dangerous drugs as defined in 45-9-101;

(b) criminal possession of dangerous drugs as defined in 45-9-102; or

(c) criminal production or manufacture of dangerous drugs as defined in 45-9-110.

Section 3. Synthetic marijuana products advisory council. (1) The department of revenue shall establish a synthetic marijuana products advisory council in accordance with 2-15-122 that is composed of the following members:

(a) one member from the department of agriculture;

(b) one member from the department of justice;

(c) one member from the department of public health and human services;

(d) one member from the department of revenue;

(e) one member from the board of pharmacy;

(f) two members from the marijuana industry; and

(g) one public member. The public member must have expertise in:

(i) toxicology;

(ii) organic chemistry; or

(iii) regulatory affairs in nutraceutical, pharmaceutical, or dietary supplements.

(2) The department shall provide staff and support services for the advisory council.

(3) Members are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

(4) The advisory council shall review available research, data, and regulations of other jurisdictions related to synthetic marijuana products, including but not limited to:

(a) definitions of the term "impairing" in relation to cannabinoids, as well as definitions of the terms "artificial cannabinoids" and "synthetically derived cannabinoids"; and

(b) recommendations on potential guidelines for safe methods of manufacturing, extracting, and synthesizing cannabinoids, including the sale of synthetic marijuana products.

(5) The advisory committee shall compile findings and make recommendations in a report to the economic affairs interim committee, in accordance with 5-11-210, regarding regulating synthetic marijuana products in the adult-use marijuana market by September 15, 2024.

Section 4. Section 16-12-101, MCA, is amended to read:

"**16-12-101. Short title -- purpose.** (1) This chapter may be cited as the "Montana Marijuana Regulation and Taxation Act".

(2) The purpose of this chapter is to:

(a) provide for legal possession and use of limited amounts of marijuana legal for adults 21 years of age or older;

(b) provide for the licensure and regulation of the cultivation, manufacture, production, distribution, transportation, and sale of marijuana and marijuana products;

(c) eliminate the illicit market for marijuana and marijuana products;

(d) prevent the manufacture and distribution of synthetic marijuana products;

~~(d)~~*(e)* prevent the distribution of marijuana sold under this chapter to persons under 21 years of age;

~~(e)~~*(f)* ensure the safety of marijuana and marijuana products;

~~(f)~~*(g)* ensure the security of licensed premises;

~~(g)~~*(h)* establish reporting requirements for licensees;

~~(h)~~*(i)* establish inspection requirements for licensees, including data collection on energy use, chemical use, water use, and packaging waste to ensure a clean and healthy environment;

~~(i)~~*(j)* provide for the testing of marijuana and marijuana products by licensed testing laboratories;

~~(j)~~*(k)* give local governments authority to allow for the operation of marijuana businesses in their community and establishing standards for the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions;

~~(k)~~*(l)* tax the sale of marijuana and marijuana products to provide compensation for the economic and social costs of marijuana;

~~(l)~~*(m)* authorize courts to resentence persons who are currently serving sentences for acts that are permitted under this chapter or for which the penalty is reduced by this chapter and to redesignate or expunge those offenses from the criminal records of persons who have completed their sentences as set forth in this chapter; and

~~(m)~~*(n)* preserve and protect Montana's well-established hemp industry by drawing a clear distinction between those participants and programs and the participants and programs associated with the marijuana industry.

(3) Marijuana and marijuana products are not agricultural products, and the cultivation, processing, manufacturing or selling of marijuana or marijuana products is not considered agriculture subject to regulation by the department of agriculture unless expressly provided."

Section 5. Section 16-12-102, MCA, is amended to read:

"**16-12-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

(2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

(4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.

(6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

(7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:

(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;

(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or

(iii) is otherwise in a position to control the marijuana business; or

(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.

(8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

(a) plant, cultivate, grow, harvest, and dry marijuana; and

(b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in 2-15-1301.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on November 3, 2020.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

(i) a greenhouse;

(ii) a hoop house; or

(iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

(16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

(17) "Licensee" means a person holding a state license issued pursuant to this chapter.

(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.

(20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp~~, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products~~ *as provided in 80-18-101.*

(c) The term does not include synthetic marijuana products.

~~(c)~~*(d)* The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.

(24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

(26) "Mature marijuana plant" means a harvestable marijuana plant.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

(29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in 32-1-109;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of

risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to 16-12-503 that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

(40) "Synthetic cannabinoids" has the meaning provided in 50-32-222 and includes any cannabinoids produced artificially, whether from chemical synthesis or biosynthesis using recombinant biological agents, including but not limited to yeast and algae.

(41) "Synthetic marijuana product" means marijuana or marijuana products that contain synthetic cannabinoids.

~~(40)~~*(42)* "Testing laboratory" means a qualified person, licensed under this chapter that:

(a) provides testing of representative samples of marijuana and marijuana products; and

(b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

~~(41)~~*(43)* (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.

(b) The term does not include the seeds, stalks, and roots of the plant. (Subsection (15)(b)(ii) terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.)"

Section 6. Section 16-12-108, MCA, is amended to read:

"**16-12-108. Limitations of act.** (1) This chapter does not permit:

(a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;

(b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(d) production, delivery, distribution, purchase, or consumption of synthetic marijuana products;

~~(d)~~*(e)* delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age;

~~(e)~~*(f)* purchase, consumption, or use of marijuana or marijuana products by a person under 21 years of age;

~~(f)~~*(g)* possession or transport of marijuana or marijuana products by a person under 21 years of age unless the underage person is at least 18 years of age and is an employee of a marijuana business licensed under this chapter and engaged in work activities;

~~(g)~~*(h)* possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia:

(i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in 20-5-402;

(ii) in a school bus or other form of public transportation;

(iii) in a health care facility as defined in 50-5-101;

(iv) on the grounds of any correctional facility; or

(v) in a hotel or motel room;

~~(h)~~*(i)* using marijuana or marijuana products in a location where smoking tobacco is prohibited;

~~(i)~~*(j)* consumption of marijuana or marijuana products in a public place, except as allowed by the department;

~~(j)~~*(k)* conduct that endangers others;

~~(k)~~*(l)* undertaking any task while under the influence of marijuana or marijuana products if doing so would constitute negligence or professional malpractice; or

~~(l)~~*(m)* performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

(2) A person may not cultivate marijuana in a manner that is visible from the street or other public area.

(3) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(4) Nothing in this chapter may be construed to:

(a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;

(b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products;

(c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while working;

(d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(e) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(5) Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding.

(6) A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with 15-64-103 or 15-64-104.

(7) Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders."

Section 7. Section 16-12-125, MCA, is amended to read:

"**16-12-125. Hotline -- *reporting -- referrals.*** (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of this chapter.

(2) An individual making a complaint must be a resident and shall provide the individual's name, street address, and phone number.

(3) (a) The department shall provide a copy of the complaint to the person or licensee that is the subject of the complaint.

(b) The department may not redact the individual's name or city of residence from the complaint copy.

(4) The department may:

(a) investigate reports of suspected abuse of the provisions of this chapter; or

(b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring.

(5) The department shall make available to the public complaints about violations of [section 1(3)], including:

(a) information regarding the types of businesses or products being reported; and

(b) any disciplinary action taken against a person in violation of [section 1(3).

(6) The department reports made to the legislature pursuant to 16-12-110 must include the number of investigations and complaints the department referred to law enforcement and the complaints' disposition."

Section 8. Section 16-12-208, MCA, is amended to read:

"**16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

(2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location other than the licensed premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.

(3) A licensee shall make the licensed premises, books, and records available to the department for inspection and audit under 16-12-210 during normal business hours.

(4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

(5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.

(6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-resistant exit packaging that complies with federal child resistance standards and is designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.

(b) (i) Packaging of individual products may contain only the following design elements and language on a white label:

(A) the seller's business name and any accompanying logo or design mark;

(B) the name of the product; and

(C) the THC content or CBD content, health warning messages as provided in 16-12-215, and ingredients.

(ii) All packaging and outward labeling, including business logos and design marks, must also comply with any standards or criteria established by the department, including but not limited to allowable symbols and imagery.

(7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer hemp *flower, hemp plants, synthetic cannabinoids,* or alcohol from a licensed premises.

(8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a package and a label application, in a form prescribed by the department, to receive approval from the department.

(b) The initial submission must be made electronically if required by the department. The licensee or license applicant shall submit a physical prototype upon request by the department.

(c) If a license applicant submits packages and labels for preapproval, final determination for packages and labels may not be made until the applicant has been issued a license.

(d) A packaging and label application must include:

(i) a fee provided for in rule by the department;

(ii) documentation that all exit packaging has been certified as child-resistant by a federally qualified third-party child-resistant package testing firm;

(iii) a picture or rendering of and description of the item to be placed in each package; and

(iv) for label applications for inhalable marijuana products that contain nonmarijuana additives:

(A) the nonmarijuana additive's list of ingredients; and

(B) in a form and manner prescribed by the department, information regarding the additive or additives and the manufacturer of the additive or additives.

(9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified receptacle into which marijuana or marijuana products already within a container are placed at the retail point of sale."

Section 9. Section 45-5-623, MCA, is amended to read:

"**45-5-623. Unlawful transactions with children.** (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

(a) sells or gives explosives to a child except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child;

(c) sells or gives an alcoholic beverage to a person under 21 years of age;

(d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302;

(e) sells or gives to a child a synthetic marijuana product, as defined in 16-12-102;

~~(e)~~*(f)* being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child without authorization of the parent or guardian; or

~~(f)~~*(g)* tattoos or provides a body piercing on a child without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection (1)~~(f)~~*(g)*, "tattoo" and "body piercing" have the meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection (1)~~(f)~~*(g)*.

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's comments for contingent termination of certain text.)"

Section 10. Section 45-9-105, MCA, is amended to read:

"**45-9-105. Altering labels on dangerous drugs.** *(1)* A person commits the offense of altering labels on dangerous drugs if the person affixes a false, forged, or altered label to or otherwise misrepresents a package or receptacle containing a dangerous drug, as defined in 50-32-101.

(2) The offense of altering labels on dangerous drugs includes falsely labeling or otherwise misrepresenting marijuana or a marijuana product, as those terms are defined in 16-12-102, as hemp, as defined in 80-18-101."

Section 11. Section 50-32-222, MCA, is amended to read:

"**50-32-222. Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetyl-alpha-methylfentanyl, also known as N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide;

(b) acetylmethadol, also known as 4-(dimethylamino)-1-ethyl-2,2-diphenylpentyl acetate or methadyl acetate;

(c) allylprodine, also known as 1-methyl-4-phenyl-3-(prop-2-en-1-yl) piperidin-4-yl propanoate;

(d) alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(e) alphameprodine;

(f) alphamethadol;

(g) alpha-methylfentanyl, also known as (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(h) alpha-methylthiofentanyl, also known as N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide;

(i) benzethidine;

(j) betacetylmethadol;
(k) beta-hydroxyfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide;
(l) beta-hydroxy-3-methylfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
(m) betameprodine;
(n) betamethadol;
(o) betaprodine;
(p) clonitazene;
(q) dextromoramide;
(r) diampromide;
(s) diethylthiambutene;
(t) difenoxin;
(u) dimenoxadol;
(v) dimepheptanol;
(w) dimethylthiambutene;
(x) dioxaphetyl butyrate;
(y) dipipanone;
(z) ethylmethylthiambutene;
(aa) etonitazene;
(bb) etoxeridine;
(cc) furethidine;
(dd) hydroxypethidine;
(ee) ketobemidone;
(ff) levomoramide;
(gg) levophenacylmorphan;
(hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
(ii) 3-methylthiofentanyl, also known as N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide;
(jj) morpheridine;
(kk) MPPP, also known as desmethylprodine and (1-methyl-4-phenyl-4-propionoxypiperidine);
(ll) noracymethadol;
(mm) norlevorphanol;
(nn) normethadone;
(oo) norpipanone;
(pp) para-fluorofentanyl, also known as N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
(qq) PEPAP, also known as (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(rr) phenadoxone;
(ss) phenampromide;
(tt) phenomorphan;
(uu) phenoperidine;
(vv) piritramide;
(ww) proheptazine;
(xx) properidine;
(yy) propiram;
(zz) racemoramide;
(aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
(bbb) tilidine; and
(ccc) trimeperidine.

(2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, positional, and geometric isomers.

(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following are opium derivatives, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) acetorphine;
(b) acetyldihydrocodeine;
(c) benzylmorphine;
(d) codeine methylbromide;
(e) codeine-N-oxide;
(f) cyprenorphine;
(g) desomorphine;
(h) dihydromorphine;
(i) drotebanol;
(j) etorphine, except hydrochloride salt;
(k) heroin;
(l) hydromorphinol;
(m) methyldesorphine;
(n) methyldihydromorphine;
(o) morphine methylbromide;
(p) morphine methylsulfonate;
(q) morphine-N-oxide;
(r) myrophine;
(s) nicocodeine;
(t) nicomorphine;
(u) normorphine;
(v) pholcodine; and
(w) thebacon.

(4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic substance, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) alpha-ethyltryptamine, also known as etryptamine, monase, alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET;

(b) alpha-methyltryptamine, also known as AMT;

(c) 4-bromo-2,5-dimethoxyamphetamine, also known as 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine, and 4-bromo-2,5-DMA;

(d) 4-bromo-2,5-dimethoxyphenethylamine, also known as 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane, alpha-desmethyl DOB, and 2C-B, Nexus;

(e) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-alpha-methylphenethylamine and 2,5-DMA;

(f) 2,5-dimethoxy-4-(N)-propylthiophenethylamine, also known as 2C-T-7;

(g) 3,4-methylenedioxyamphetamine;

(h) 2,5-dimethoxy-4-ethylamphetamine, also known as DOET;

(i) 5-methoxy-N,N -diisopropyltryptamine, also known as 5-MeO-DIPT;

(j) 5-methoxy-N,N -dimethyltryptamine, also known as 5-MeO-DMT;

(k) 4-methoxyamphetamine, also known as 4-methoxy-alpha-methyl-phenethylamine;

(l) 5-methoxy-3,4-methylenedioxyamphetamine;

(m) 4-methyl-2,5-dimethoxyamphetamine, also known as 4-methyl-2, 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP;

(n) 3,4-methylenedioxymethamphetamine, also known as MDMA;

(o) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

(p) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine and N-hydroxy MDA;

(q) 3,4,5-trimethoxyamphetamine;

(r) bufotenine, also known as 3-(beta-dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N,N -dimethylserotonin, 5-hydroxy-N,N -dimethyltryptamine, and mappine;

(s) diethyltryptamine, also known as N,N -diethyltryptamine and DET;

(t) dimethyltryptamine, also known as DMT;

(u) hashish;

(v) ibogaine, also known as 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and tabernanthe iboga;

(w) lysergic acid diethylamide, also known as LSD;

(x) marijuana;

(y) mescaline;

(z) parahexyl, also known as 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl;

(aa) peyote, meaning all parts of the plant presently classified botanically as lophophora williamsii lemaire, whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or extracts;

(bb) N-ethyl-3-piperidyl benzilate;

(cc) N-methyl-3-piperidyl benzilate;

(dd) psilocybin;

(ee) psilocyn;

(ff) tetrahydrocannabinols, *neutral compounds, and their corresponding acids,* including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

(i) delta ~~1~~ *9* (delta ~~9~~ *1*) cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta ~~6~~ *8 (delta 6)* cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta *6a, 10a, (delta* 3,4*)* cis or trans tetrahydrocannabinol and its optical isomers;

(gg) ethylamine analog of phencyclidine, also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, and PCE;

(hh) pyrrolidine analog of phencyclidine, also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, and PHP;

(ii) thiophene analog of phencyclidine, also known as 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, and TCP;

(jj) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, also known as TCPy;

(kk) synthetic cannabinoids, including:

(i) unless specifically excepted or listed in another schedule, any chemical compound chemically synthesized from or structurally similar to any material, compound, mixture, or preparation that contains any quantity of a synthetic

cannabinoid found in any of the following chemical groups, or any of those groups that contain synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogs in the following groups:

(A) naphthoylindoles, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(B) naphthylmethylindoles, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(C) naphthoylpyrroles, whether or not substituted in the pyrrole ring to any extent or the naphthyl ring to any extent;

(D) naphthylmethylindenes, whether or not substituted in the indene ring to any extent or the naphthyl ring to any extent;

(E) acetylindoles, whether or not substituted in the indole ring to any extent or the acetyl group to any extent;

(F) cyclohexylphenols, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring to any extent;

(G) dibenzopyrans, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring to any extent; and

(H) benzoylindoles, whether or not substituted in the indole ring to any extent or the phenyl ring to any extent;

(ii) any compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors or is a chemical analog or isomer of a compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors;

(iii) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);

(iv) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

(v) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47,497), and the dimethylhexyl, dimethyloctyl, and dimethylnonyl homologues of CP-47,497;

(vi) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073);

(vii) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);

(viii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);

(ix) 1-hexyl-3-(1-naphthoyl)indole (also known as JWH-019);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);

(xi) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;

(xii) the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives:

(A) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone (also known as WIN-55,212-2);

(B) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (also known as HU-243); or

(C) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin- 1-yl]acetate;

(ll) Salvia divinorum, also known as salvinorin A (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(3-furanyl)dodecahydro-6a,10b-dimethyl-4, 10-dioxo-2H-naphtho[2,1-c] pyran-7-carboxylic acid methyl ester;

(mm) substituted cathinones, including any compound, except bupropion or compounds listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) by substitution at the 3-position with an alkyl substituent;

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure; and

(iv) any lengthening of the propanone chain between carbons 1 and 2 to any extent with alkyl groups, whether further substituted or not;

(nn) any compound not listed in this code, in an administrative rule regulating controlled substances or approved for use by the United States food and drug administration that is structurally derived from 2-amino-1-phenyl-1-propane by modification in any of the following ways:

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) by substitution at the 3-position with an alkyl substituent;

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure; and

(iv) any lengthening of the propane chain between carbons 1 and 2 to any extent with alkyl groups, whether further substituted or not.

(5) (a) For the purposes of subsection (4), the term "isomer" includes the optical, positional, and geometric isomers.

(b) Subsection (4)(kk) does not apply to synthetic cannabinoids approved by the United States food and drug administration and obtained by a lawful prescription through a licensed pharmacy. The department of public health and human services shall adopt a rule listing the approved cannabinoids and shall update the rule as necessary to keep the list current.

(6) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) gamma-hydroxybutyric acid, also known as gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, sodium oxybutyrate, and GHB;

(b) mecloqualone; and

(c) methaqualone.

(7) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(a) aminorex, also known as aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-phenyl-2-oxazolamine;

(b) cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;

(c) fenethylline;

(d) methcathinone, also known as 2-(methylamino)-propiophenone, alpha-(methylamino)propiophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone, monomethylpropion, ephedrone,

N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers;

(e) 4-Methylaminorex (cis isomer), also known as U4Euh, McN-422;

(f) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4, 5-dihydro-4-methyl-5-phenyl-2-oxazolamine;

(g) N-benzylpiperazine, also known as 1-benzylpiperazine or BZP;

(h) N-ethylamphetamine; and

(i) N,N -dimethylamphetamine, also known as N,N -alpha-trimethyl-benzeneethanamine and N,N -alpha-trimethylphenethylamine.

(8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances is included in this category:

(a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers); and

(b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers).

(9) If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection (4) must automatically be rescheduled from Schedule I to the same schedule it is placed in by the United States drug enforcement administration.

(10) Dangerous drug analogues. Unless specifically excepted or listed in another schedule, this designation includes any material, compound, mixture, or preparation defined in 50-32-101 as a dangerous drug analogue."

Section 12. Section 80-18-101, MCA, is amended to read:

"**80-18-101. Definitions.** As used in this part, the following definitions apply:

(1) *(a)* "Hemp" means ~~all parts and varieties of the plant Cannabis consistent with the United States department of agriculture's definition of hemp and rules established by the department~~ *the plant species Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.*

(b) The term does not include synthetic cannabinoids.

(2) "Hemp crude" means a hemp derivative in a temporary state of not complying with the legal definition of hemp, the amount of tetrahydrocannabinol, or the amount of tetrahydrocannabinolic acid that will be further processed in order to comply.

(3) "Hemp derivatives" means all products that contain or are processed from, extracted from, or manufactured from hemp.

(4) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(5) "Synthetic cannabinoids" has the meaning provided in 50-32-222 and includes any cannabinoids produced artificially, whether from chemical synthesis or biosynthesis using recombinant biological agents, including but not limited to yeast and algae."

Section 13. Appropriation. There is appropriated $2,500 from the state special revenue fund in 16-12-111 to the department of revenue for the biennium beginning July 1, 2023, for the purposes of administration of the advisory council provided for in [section 3] and additional reporting requirement provisions as required under 16-12-125.

Section 14. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 16, chapter 12, part 1, and the provisions of Title 16, chapter 12, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 16, chapter 12, part 3, and the provisions of Title 16, chapter 12, part 3, apply to [section 2].

Section 15. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 16. Effective date. [This act] is effective on passage and approval.

Section 17. Termination. [Section 3] terminates December 31, 2024.

Approved May 22, 2023

CHAPTER NO. 747

[HB 949]

AN ACT GENERALLY REVISING LAWS RELATED TO DATA GOVERNANCE; PROVIDING LEGISLATIVE FINDINGS AND A PURPOSE; PROVIDING DEFINITIONS; ESTABLISHING THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD; PROVIDING DUTIES FOR THE BOARD; ESTABLISHING REPORTING REQUIREMENTS; MODIFYING THE REQUIREMENTS OF THE STATEWIDE K-12 DATA SYSTEM AND THE REQUIREMENTS FOR INFORMATION POSTED BY SCHOOL DISTRICTS; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-7-104, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Legislative findings -- purpose. (1) The legislature finds that:

(a) the utilization of education and workforce data holds great promise for developing the full educational potential of Montanans and in maximizing the effectiveness of state investments in education and workforce systems; and

(b) a systems approach with shared governance between relevant agencies is the best way to utilize education and workforce data while ensuring that the data is only used for appropriate purposes and in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and all other relevant federal and state privacy laws, and any other privacy measures required by the education and workforce data governing board.

(2) The purpose of [sections 1 through 3] is to create a strong and transparent education and workforce data governing board with authority over the linkage of education and workforce data gathered and maintained by state agencies to ensure that the data is used to benefit the people of the state in a secure manner and only for appropriate purposes.

Section 2. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the education and workforce data governing board established in [section 3].

(2) "Contributing agencies" means the following state agencies that gather and maintain education and workforce data, serve on the board, and are subject to the policies developed by the board pursuant to [section 3]:

(a) the office of public instruction;

(b) the office of the commissioner of higher education; and

(c) the department of labor and industry.

(3) "Education data" means data collected or reported at the student level that is included in a student's educational record, including but not limited to:

(a) career and college readiness indicators;

(b) state and national assessment data;

(c) course-taking and completion data in elementary, secondary, and postsecondary education;

(d) elementary, secondary, and postsecondary grade point average data;

(e) 4-year, 5-year, and 6-year high school graduation rate data;

(f) first to second year retainment data;

(g) certificate, diploma, and degree attainment data;

(h) college enrollment course-taking, credit, and contact hour accumulation data;

(i) attendance and transferability data;

(j) special education data;

(k) remediation data; and

(l) demographics data.

(4) "Workforce data" means data related to an individual's workforce outcomes, including but not limited to, an individual's:

(a) labor and workforce training program participation and completion information data;

(b) wage information;

(c) unemployment claim eligibility information;

(d) employer information; and

(e) demographics data.

Section 3. Education and workforce data governing board -- membership -- duties. (1) There is an education and workforce data governing board. The board is administratively attached to the department of administration as provided in 2-15-121.

(2) The board is comprised of five voting members:

(a) the director of the department of administration or the director's designee;

(b) the superintendent of public instruction or the superintendent's designee;

(c) the commissioner of higher education or the commissioner's designee;

(d) the commissioner of labor and industry or the commissioner's designee; and

(e) the presiding officer of the board of public education or the presiding officer's designee.

(3) The nonvoting members of the board are:

(a) the state chief information officer or the officer's designee;

(b) the legislative fiscal analyst or the analyst's designee;

(c) the legislative auditor or the auditor's designee; and

(d) the director of legislative services or the director's designee.

(4) The presiding officer of the board is the director of the department of administration or the director's designee.

(5) The board shall meet at least quarterly. The presiding officer may call special meetings whenever necessary. The presiding officer shall notify each member of the board of any special meeting before the fixed time for the special

meeting. A majority of the board may petition the presiding officer to call a special meeting.

(6) Meetings of the board must be open to the public. Archived videos of the board's meetings must be made available to the public through the website.

(7) The board shall:

(a) develop and implement policies and procedures for the linking and sharing of education and workforce data among the contributing agencies to effectuate the purposes of [sections 1 through 3], including policies and procedures describing:

(i) the specific types of educational and workforce data that must be shared by the contributing agencies;

(ii) the manner in which personally identifiable information is secured;

(iii) appropriate use; and

(iv) allowable access by contributing agencies and other entities.

(b) develop an education and workforce research agenda and data plan to:

(i) improve alignment across existing programs and systems;

(ii) support student success in K-12 education, higher education, and the workforce;

(iii) increase the efficiency and effectiveness of state education, training, workforce, and financial aid programs; and

(iv) equip local and state policymakers with information about education and workforce development;

(c) work with the contributing agencies to create, publish, and make publicly available a data inventory and dictionary of data elements with definitions to ensure the integrity and quality of the data collected and reported;

(d) facilitate using education and workforce data to inform decisionmaking by state and local governments, educational agencies, institutions of higher education, and other education stakeholders in order to maximize the operational efficiency of the state's education and workforce systems;

(e) provide technical and data analysis support to contributing agencies and other data users;

(f) develop and implement policies and procedures regarding data and research requests;

(g) develop and make available a model data-sharing agreement that allows for reciprocal sharing of information between public schools, public, private, or tribal institutions of higher education, and state and local workforce entities; and

(h) develop and implement policies:

(i) to ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and all other relevant federal and state privacy laws; and

(ii) to provide for additional privacy protections determined to be necessary by the board.

(8) The board may form committees, work groups, or advisory councils to accomplish the board's purposes.

(9) The board shall, in accordance with 5-11-210, report to the education interim committee and the education interim budget committee on the board's work.

Section 4. Section 20-7-104, MCA, is amended to read:

"**20-7-104. Transparency and public availability of public school performance data -- reporting -- availability for timely use to improve instruction.** (1) The office of public ~~instruction's~~ *instruction shall establish, maintain, and continually improve a* statewide *K-12* data system ~~must~~ *that*, at a minimum:

(a) ~~include~~ *includes* data entry and intuitive reporting options that school districts can use to make timely decisions that improve instruction and impact student performance while creating a collaborative environment for parents, teachers, and students to work together in improving student performance. Options that the office of public instruction shall incorporate and make available for each school district must include data linkages to provide for automated conversion of data from systems already in use by school districts or by the office of public instruction that allow districts to collect, manage, and present local classroom assessment scores, grades, attendance, and other data to assist in instructional intervention alongside the existing school accountability and statewide student achievement results. The office of public instruction shall ensure that the design of the system is enhanced to prioritize collaborative support of each student's needs by classroom educators, administrators, and parents.

(b) eliminates redundant data collections and siloed data systems and facilitates data sharing among the various divisions within the office of public instruction;

(c) facilitates matching of student-level K-12 data with higher education and workforce data; and

~~(b)~~*(d)* ~~display a publicly available educational data profile for each school district that~~ protects each student's education records in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99 *and any applicable state laws exceeding those requirements*.

(2) ~~Subject to subsection (1)(b), each~~ *The superintendent of public instruction shall make available on the office of public instruction's website an educational profile for each school district. A* school district's educational profile must include, at a minimum, the following elements:

(a) school district contact information and links to district websites, when available;

(b) ~~state criterion-referenced~~ testing results *from statewide assessments required by the board of public education*;

(c) ~~program and course offerings~~ *accountability metrics required by federal law, including, if applicable, district and school-level report cards*;

(d) student enrollment and demographics by grade level; and

(e) graduation rates.

(3) Each school district shall annually report to the office of public instruction ~~and publish and post on the school district's internet website~~ *in a manner prescribed by the superintendent of public instruction* the following district data for the preceding school year:

(a) the number and type of employee positions, including administrators;

(b) for the current employee in each position:

(i) the total amount of compensation paid to the employee by the district. The total amount of compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other income from school-sanctioned extracurricular activities, including coaching and similar activities.

(ii) the certification held by and required of the employee;

(c) the student-teacher ratio by grade;

(d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total cost and cost per square foot; and

(ii) the amount of principal and interest paid on bonds;

(e) the total district expenditures per student;

(f) the total budget for all funds;

(g) the total number of students enrolled and the average daily attendance;

(h) the total amount spent by the district on extracurricular activities and the total number of students that participated in extracurricular activities; and

(i) the number of students that entered the 9th grade in the school district but did not graduate from a high school in that district and for which the school district did not receive a transfer request. For reporting purposes, the students identified under this subsection (3)(i) are considered to have dropped out of school.

(4) *(a)* Each school district shall ~~also~~ post on the school district's internet website a copy of every working agreement the district has with any organized labor organization and the district's costs, if any, associated with employee union representation, collective bargaining, and union grievance procedures and litigation resulting from union employee grievances.

~~(5)~~*(b)* If a school district does not have an internet website, the school district shall publish the information required under ~~subsections (2) and (3)~~ *subsection (4)(a)* in printed form and provide a copy of the information upon request at the cost incurred by the school district for printing only.

~~(6)~~*(5)* The superintendent of public instruction shall continually work in consultation with the K-12 data task force provided for in 20-7-105 to analyze the best options for a statewide *K-12* data system ~~that will best enhance the ability of school districts to use data for the purposes identified in this section~~ *meeting the requirements of subsection (1)*. Emphasis must be placed on developing or purchasing and customizing a statewide data system that promotes and preserves community ownership and local control and that incorporates innovative technologies available in the marketplace that may be in use and that are successfully working in other states. ~~The office of public instruction and the K-12 data task force shall collaborate to enhance the statewide data system to support:~~

~~(a) the needs of school districts in using data to improve instruction and student performance;~~

~~(b) the collection of data from schools through a process that provides for automated conversion of data from systems already in use by school districts or the office of public instruction and that resolves the repetition of data entry and redundancy of data requested that has been characteristic of the data system in the past and that otherwise reduces the diversion of district staff time away from instruction and supervision;~~

~~(c) increased use of data from the centralized system by various functions within the office of public instruction; and~~

~~(d) transparency in reporting to schools, school districts, communities, and the public.~~

~~(7)~~*(6)* ~~The~~ *In addition to the school district profiles under subsection (2), the* superintendent of public instruction shall gather~~, maintain, and distribute~~ *and make available on the office of public instruction's website* longitudinal, actionable data in *at least* the following areas:

(a) ~~statewide student identifier~~ *demographic information*;

(b) ~~student-level~~ enrollment data, including average daily attendance;

(c) ~~student-level~~ statewide assessment data;

(d) ~~information on~~ untested students;

(e) ~~student-level~~ graduation and dropout data; *and*

(f) school finance data.

~~(f) ability to match student-level K-12 data with higher education and workforce data;~~

~~(g) a statewide data audit system;~~

~~(h) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;~~

~~(i) student-level course completion data, including transcripts, to assess career and college readiness; and~~

~~(j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.~~

~~(8) The superintendent of public instruction shall emphasize the creation of and distribution of individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families as they relate to education so that school districts may use the data to support timely academic intervention as needed and to otherwise improve the academic achievement of the students of each school district.~~

~~(9) (a) In addition to the data privacy protections in subsection (1)(b) and except as provided in subsections (9)(b) and (9)(c), the superintendent of public instruction may provide personally identifiable information gathered, maintained, and distributed pursuant to subsection (7) and any other personally identifiable data only to the office of public instruction, the school district where the student is or has been enrolled, the parent, and the student. Except as provided in subsections (9)(b) and (9)(c), the superintendent of public instruction may not share, sell, or otherwise release personally identifiable information to any for-profit business, nonprofit organization, public-private partnership, governmental unit, or other entity unless the student's parent has provided written consent specifying the data to be released, the reason for the release, and the recipient to whom the data may be released.~~

~~(b) The superintendent may release student-level information to the commissioner of higher education and the department of labor and industry for the sole purpose of research directed at ensuring that Montana's K-12 education system meets the expectations of the Montana university system and the workforce needs of the state. The superintendent shall determine the necessity of research requests from the commissioner and the department of labor and industry and may only release student-level information after entering agreements with the commissioner and the department to ensure student privacy. An agreement under this subsection (9)(b) must:~~

~~(i) expire no later than 18 months after the agreement is made; and~~

~~(ii) require the commissioner and the department to destroy and retain no part of student-level information upon completion of the research outlined in the agreement.~~

~~(c) If the superintendent of public instruction offers a statewide assessment that also serves as a college entrance exam, a student's personally identifiable information may be released with the consent of the student to accredited postsecondary education institutions, testing agencies under contract with a state entity to provide a college entrance exam to students, or scholarship organizations. A scholarship organization may use information released under this subsection (9)(c) only for the purpose of scholarship opportunities. The legislature intends that the release of information pursuant to this subsection (9)(c) is for the sole purpose of increasing access to higher education opportunities for students.~~

~~(10) On or before June 30, 2013, the superintendent of public instruction shall begin presenting longitudinal data on academic achievement and shall develop plans for a measurement of growth for the statewide student assessment required by the board of public education.~~

(7) In accordance with [sections 1 through 3] and except as otherwise provided and explicitly directed in state law, the superintendent of public instruction

may not share or restrict the sharing of student educational records beyond what is allowed or restricted under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99."

Section 5. Appropriation. (1) There is appropriated $50,000 from the general fund to the department of administration for each year of the biennium beginning July 1, 2023, for the purposes of [sections 1 through 3].

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

Section 6. Transition. Data sharing agreements between the office of public instruction, the department of labor and industry, and the commissioner of higher education made under the authority of 20-7-104(9) prior to [the effective date of this act] remain in effect until the earlier of the expiration date of the agreement or the adoption by the education and workforce data governing board of policies governing the linkage and sharing of education and workforce data relevant to the agreement. The legislature intends that the policies of the education and workforce data governing board replace the need for ad hoc data sharing agreements to the greatest extent possible.

Section 7. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [sections 1 through 3].

Section 8. Coordination instruction. If both Senate Bill No. 480 and [this act] are passed and approved and both contain a section amending 20-7-104, then Senate Bill No. 480 is void.

Section 9. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 748

[HB 952]

AN ACT ESTABLISHING A MONTANA AUTISM FACILITIES GRANT PROGRAM; CREATING AN AUTISM FACILITIES SPECIAL REVENUE ACCOUNT; PROVIDING RULEMAKING AUTHORITY; PROVIDING A DEFINITION; TRANSFERRING FUNDS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the past decade, the prevalence of autism in the United States has increased; and

WHEREAS, approximately half a million children with autism will legally become adults within the next decade; and

WHEREAS, it is the intent of the Legislature that adults with autism living in Montana have access to supportive services and housing options to meet their needs.

Be it enacted by the Legislature of the State of Montana:

Section 1. Autism facilities grant -- purpose -- eligibility -- rulemaking. (1) There is an autism facilities grant program administered by the department of public health and human services for the purpose of providing grants for the construction of autism facilities designed and equipped to provide services to individuals with autism spectrum disorders.

(2) To be eligible for a grant from the department, a nonprofit or government entity shall:

(a) match each $1 of the grant with $1 raised from public or private sources; and

(b) provide the department with plans for the construction and development of autism facilities in the state.

(3) The department shall adopt rules for administration of the grant program.

(4) For the purposes of this section, "autism facility" is a facility in the state that provides services to children or adults, or both, with autism spectrum disorder, including but not limited to housing, therapy, and other support services.

Section 2. Autism facilities special revenue account. (1) There is an autism facilities account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services.

(2) The purpose of the account is to provide funding for autism facilities grants awarded in accordance with [section 1].

(3) The account consists of

(a) money appropriated to or transferred into the account by the legislature;

(b) any funds available through and identified by the department for the autism facilities grant program; and

(c) gifts, grants, or donations made for the purposes of [section 1].

Section 3. Transfer of funds. No later than August 1, 2023, the state treasurer shall transfer $400,000 from the general fund to the autism facilities special revenue account provided for in [section 2].

Section 4. Appropriation. There is appropriated $400,000 from the autism facilities special revenue account provided for in [section 2] to the department of public health and human services for the biennium beginning July 1, 2023, to provide grants for autism facilities as allowed under [section 1].

Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [sections 1 and 2].

Section 7. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 749

[SB 75]

AN ACT GENERALLY REVISING ALCOHOL LAWS RELATING TO LICENSING; REVISING LAWS RELATED TO BREWERS AND BEER IMPORTERS; ALLOWING OUT-OF-STATE BREWERIES TO BE REGISTERED IN MONTANA; ALLOWING CERTAIN SALES AND SHIPPING OF BEER; REVISING LAWS RELATED TO BEER SHIPPED BY BEER WHOLESALERS; REVISING LAWS RELATED TO RESORT AREA ALL-BEVERAGES LICENSES; REVISING LAWS RELATING TO SUITABLE PREMISES FOR RETAIL LICENSES; PROVIDING THAT AN OUT-OF-STATE BREWERY REGISTERS; REVISING LAWS RELATING TO THE SUITABILITY OF LICENSE APPLICANTS; REVISING LAWS RELATING TO LICENSING QUALIFICATIONS; ADDING NEW ENTITY TYPES THAT CAN BE VETTED FOR LICENSURE; AND AMENDING SECTIONS 16-3-211, 16-3-212, 16-3-214, 16-3-230, 16-3-302, 16-3-311,16-4-101, 16-4-107, 16-4-314, AND 16-4-401, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-3-211, MCA, is amended to read:

"**16-3-211. Monthly report of brewer, beer importer, or retailer -- inspection of books and premises.** (1) Every brewer and every beer importer licensed *or registered* to do business in this state shall, on or before the 15th day of each month, as prescribed by the department, make an exact return to the department of the amount of beer manufactured or imported by the brewer or importer, the amount sold by the brewer or importer in the previous month, and the inventory of the brewer or importer. The department may make an examination of any brewer's or beer importer's books and of the brewer's or importer's premises and otherwise check the accuracy of any return or check the alcoholic content of beer manufactured or imported by the brewer or importer.

(2) Every retailer licensed to do business in this state shall, on or before the 15th day of each month, as prescribed by the department, make an exact return to the department of the amount of beer purchased in the previous month directly from any brewery not located in the state of Montana."

Section 2. Section 16-3-212, MCA, is amended to read:

"**16-3-212. Brewers' or beer importers' sales to wholesalers lawful.** A licensed *or registered* brewer may sell or deliver beer manufactured by the brewer to any licensed wholesaler. A licensed *or registered* beer importer may sell or deliver beer imported by the importer to any licensed wholesaler."

Section 3. Section 16-3-214, MCA, is amended to read:

"**16-3-214. Beer sales by brewers -- sample room exception.** (1) Subject to the limitations and restrictions contained in this code, a brewer who manufactures less than 60,000 barrels of beer a year, upon payment of the annual license fee imposed by 16-4-501 and upon presenting satisfactory evidence to the department as required by 16-4-101, must be licensed by the department, in accordance with the provisions of this code and rules prescribed by the department, to:

(a) sell and deliver beer from its storage depot or brewery to:

(i) a wholesaler;

(ii) licensed retailers if the brewer uses the brewer's own equipment, trucks, and employees to deliver the beer and if:

(A) individual deliveries, other than draught beer, are limited to the case equivalent of 8 barrels a day to each licensed retailer; and

(B) the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year; or

(iii) the public, including curbside pickup between 8 a.m. and 2 a.m. in original packaging or growlers;

(b) provide its own products for consumption on its licensed premises without charge or, if it is a small brewery, provide its own products at a sample room as provided in 16-3-213; or

(c) do any one or more of the acts of sale and delivery of beer as provided in this code.

(2) A brewery may not use a common carrier for delivery of the brewery's product to the public or to licensed retailers.

(3) A brewery may import or purchase, upon terms and conditions the department may require, necessary flavors and other nonbeverage ingredients containing alcohol for blending or manufacturing purposes.

(4) An additional license fee may not be imposed on a brewery providing its own products on its licensed premises for consumption on the premises.

(5) This section does not prohibit a licensed *or registered* brewer from shipping and selling beer directly to a wholesaler in this state under the provisions of 16-3-230."

Section 4. Section 16-3-230, MCA, is amended to read:

"**16-3-230. Beer required to be shipped to wholesaler.** Except as provided in 16-3-214 *and 16-4-901*, all beer that is to be distributed in Montana~~, whether manufactured outside of or within the state of Montana,~~ must be ~~consigned to and~~ *sold and* shipped~~, either directly or via a licensed storage depot,~~ to a licensed wholesaler and unloaded into the wholesaler's warehouse in Montana or subwarehouse in Montana. A brewer or beer importer ~~may sell only to wholesalers from a storage depot in Montana and~~ shall maintain records of all beer, including the name or kind received, on hand, and sold. The records may at any time be inspected by a representative of the department. The wholesaler shall distribute the beer from the warehouse or subwarehouse and shall keep records at the wholesaler's ~~principal place of business~~ *licensed premises* of all beer, including the name or kind received, on hand, sold, and distributed. The records may be inspected by a representative of the department at any time."

Section 5. Section 16-3-302, MCA, is amended to read:

"**16-3-302. Sale by retailer for consumption on premises.** (1) It is lawful for a licensed retailer to sell and serve beer, either on draught or in containers, to the public to be consumed on the premises of the retailer.

(2) It is lawful for a licensee who has an all-beverages license that the licensee uses at a golf course to sell alcoholic beverages and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine:

(a) in the building or other structural premises constituting the clubhouse or primary indoor recreational quarters of the golf course; and

(b) at any place within the boundaries of the golf course, from a portable satellite vehicle or other movable satellite device that is moved from place to place, whether inside or outside of a building or other structure.

(3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place within the boundaries of the golf course, whether inside or outside of a building or other structure.

(4) (a) It is lawful for a licensee who has an all-beverages license or a resort area all-beverages license to sell alcoholic beverages:

(i) in the building or other structural premises constituting the primary indoor lodging quarters of a hotel or other short-term lodging facility;

(ii) if the licensee's premises include a swimming pool, in a permanent, licensed alcohol service structure in the swimming pool area separate from the main licensed premises;

(iii) if the licensee's premises include a ski hill, in up to two permanent, licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same premises that are owned, leased, or otherwise under the control of and operated by the same property owner, licensee, and if applicable, concessionaire;

(iv) if the licensee's premises include a golf course, the premises in addition to the main licensed premises may include:

(A) the building or alcohol service structure constituting the clubhouse or primary recreational quarters of the golf course that is separate from the main licensed premises; and

(B) the outdoor area within the boundaries of the golf course.

(b) Buildings or structural premises allowed under this subsection (4) may be separate from the building compromising the main licensed premises but

must otherwise meet the premises suitability requirements of 16-3-311. The licensee shall pay an application fee of $100 for each area allowed under this subsection (4)."

Section 6. Section 16-3-311, MCA, is amended to read:

"**16-3-311. Suitable premises for licensed retail establishments.** (1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages*, except as otherwise allowed in 16-3-302(4).* The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated. Except as provided in subsection (8), the premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. *A licensee may lease the kitchen or another specified area to allow another business entity to operate a business within its premises without permanent floor-to-ceiling walls and without a concession agreement if the other business does not take orders for, serve, or deliver alcohol and has a separate point of sale system.* If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access.

(b) A resort retail all-beverages licensee ~~or~~*,* a retail all-beverages licensee*, or an on-premises consumption beer and wine licensee* within the boundaries of a resort area may also utilize ~~an~~ alternate alcoholic beverage storage ~~facility~~ *facilities* as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as painting, carpeting, or other interior decorating, is not considered an alteration under this section. *If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval.*

(3) The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.

(4) The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not

be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(5) Premises suitability does not include a minimum number of seats.

(6) A licensed retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed retailer approved for onsite alcoholic beverage storage separate from its service area as long as the licensed retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. The application fee is $100.

(7) A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units, and the prestocking of alcoholic beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is $100. *On department approval, an on-premises consumption retailer's keg storage and beer lines running into the licensed premises may be in a noncontiguous storage area provided that the licensee is able to maintain control and adequate safeguards are in place to prevent public access.*

(8) An on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation.

(9) (a) For the purposes of this section, "adequate physical separation" means:

(i) the premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation as specified in 16-3-213(2)(b); and

(ii) the separation may include doors, gates, or windows that may be left open during business hours.

(b) The term does not require permanent floor-to-ceiling walls."

Section 7. Section 16-4-101, MCA, is amended to read:

"**16-4-101. Applications for sale, import, or manufacture of beer -- qualifications of applicant.** (1) *Except as provided in subsection (4),* ~~Any~~ *any* person desiring to manufacture, import, or sell beer under the provisions of this code shall first apply to the department for a license to do so and pay with ~~such~~ *the* application ~~the license~~ fee prescribed. The department shall require of ~~such~~ *the* applicant satisfactory evidence that the applicant is of good moral character and a law-abiding person.

(2) ~~Upon~~ *On* being satisfied, from ~~such~~ *the* application or otherwise, that ~~such~~ *the* applicant is qualified, the department shall issue ~~such~~ *a* license to ~~such~~ *the* person, ~~which~~ *and the* license ~~shall be~~ *must* at all times *be* prominently displayed *at the licensed premises* ~~in the place of business of such applicant~~.

(3) If the department ~~shall find~~ *finds* that ~~such~~ *the* applicant is not qualified, ~~no~~ *a* license ~~shall~~ *may not* be granted and ~~such~~ *the* license fee ~~shall~~ *must* be returned.

(4) A brewery that is not located in the state or a beer importer that holds the appropriate license from the United States department of the treasury that desires to distribute its beer within this state through licensed beer wholesalers shall apply to the department for registration on forms to be prepared and furnished by the department.

(5) A brewery or beer importer may not ship beer into this state until the registration is granted by the department. The registration may be canceled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration."

Section 8. Section 16-4-107, MCA, is amended to read:

"**16-4-107. Winery license -- winery and importer registration.** (1) (a) Wine, other than for personal consumption in conformity with federal exemptions from holding a basic permit as a bonded winery, may be manufactured or directly distributed to retailers within the state only by a licensed winery, and table wine may be shipped directly by a winery with a direct shipment endorsement as provided in 16-4-1101 to an individual in Montana who is at least 21 years of age. An application for a winery license must be accompanied by a fee of $400, which constitutes the first annual license fee, and a licensee shall in each succeeding year pay an annual fee as provided in 16-4-501. Winery licensees located in Montana must hold the appropriate basic permit required by the United States department of the treasury and be qualified for a license in accordance with the provisions of ~~16-4-401(4)~~ *16-4-401(2)* Winery licensees located in another state must hold the appropriate basic permit required by the United States department of the treasury and the appropriate license to manufacture wine from the state in which the winery is located and shall provide all other information required by the department.

(b) A winery located in Montana that is licensed to do business in the state shall, each quarter and in the manner and form prescribed by the department, report to the department the amount of wine manufactured or imported by the winery in the previous quarter and the winery's inventory. The department may at any time examine a winery's books.

(2) (a) A winery that is not located in the state or an importer of table wines that holds the appropriate license from the United States department of the treasury and that desires to distribute its table wines within this state through licensed table wine distributors shall apply to the department of revenue for registration on forms to be prepared and furnished by the department.

(b) Each winery shall furnish the department with a copy of each container label currently used by the winery on its products imported into Montana. The department shall require the winery or importer to agree to furnish monthly and other reports concerning quantities and prices of table wine that it ships into the state, names and addresses of consignees, and any other information that the department may determine to be necessary to ensure that importation and distribution of table wines within this state conform to the requirements of this code.

(c) A winery or importer of table wines may not ship table wines into this state until the registration is granted by the department. The registration may be canceled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration.

(3) A winery that is not located in Montana, that holds the appropriate license from the United States department of the treasury, that is not already registered with the department, and that desires to sell and ship table wine directly to individuals in Montana who are at least 21 years of age shall apply to the department for registration pursuant to subsection (2) and for a direct shipment endorsement pursuant to 16-4-1101."

Section 9. Section 16-4-314, MCA, is amended to read:

"**16-4-314. Academic brewer license under small brewer exception -- Flathead valley community college or Montana state university-Billings -- conditions.** (1) Flathead valley community college or

Montana state university-Billings may apply for an academic brewer license under this section that allows the licensee to brew and sell beer to wholesalers as provided in this section. The academic brewer license:

(a) does not allow for the sale of beer at retail and does not allow for the operation of a sample room as provided in 16-3-213;

(b) is limited to production of 10,000 barrels annually;

(c) allows for distribution only to wholesalers as provided in 16-3-214;

(d) is under the ownership of Flathead valley community college or Montana state university-Billings;

(e) is not subject to quotas under 16-4-105 or to the provisions of 16-3-306;

(f) may not offer gambling activities;

(g) is otherwise subject to laws applying to brewery licenses as provided in this code; and

(h) must operate in an on-campus facility operated in conjunction with a beer-brewing class or curriculum taught at the community college or Montana state university-Billings.

(2) When Flathead valley community college or Montana state university-Billings has met the conditions in subsection (3) and has paid the fee specified for a brewer under 16-4-501, the department shall issue the academic brewer license.

(3) To obtain a license under this section, Flathead valley community college or Montana state university-Billings shall:

(a) document approval by the community college district board of trustees or the board of regents of higher education, as applicable;

(b) identify the on-campus location of the site where classes in beer making are to be held; and

(c) for criminal background requirements under 16-4-414, designate two or more individuals, each of whom must have responsibility for licensing compliance and each of whom must meet the requirements in 16-4-401*(2)(a)*~~(4)(a)~~.

(4) The department may adopt rules to implement this section."

Section 10. Section 16-4-401, MCA, is amended to read:

"**16-4-401. License as privilege -- criteria for decision on application -- *restrictions.*** (1) A license under this code is a privilege that the state may grant to an applicant and is not a right to which any applicant is entitled.

(2) Except as provided in 16-4-311 and subsection ~~(6)~~ *(5)* of this section and subject to subsection (8), ~~in the case of a license that permits on-premises consumption,~~ the department shall find in every case in which it makes an order for the issuance of a new license*,* ~~or~~ for the approval of the transfer of a license*, or the renewal of a license* that:

(a) if the applicant is an individual:

~~(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales. However, resort retail all-beverages licenses issued under 16-4-213 do not count toward this limit.~~

~~(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;~~

~~(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages, except that an applicant's spouse may possess an ownership interest in one or more manufacturer licenses;~~

~~(iv)~~*(i)* the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; ~~however, nothing in this subsection (2)(a)(iv)~~

~~authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license;~~

~~(v)~~*(ii)* the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored; and

~~(vi)~~*(iii)* the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) ~~each owner of 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than 15% of the outstanding stock,~~ the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a~~).~~*);*

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a); *and*

~~(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(b)(iii) does not apply to a shareholder of a corporation who owns less than 15% of the outstanding stock in that corporation except that the provisions of subsection (8) apply.~~

~~(iv)~~*(iii)* the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation*, all of the following must apply*:

(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(c)(iii) does not apply to a shareholder of a corporation who owns less than 15% of the outstanding stock in that corporation except that the provisions of subsection ~~(8)~~ *(7)* apply.

(iv) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (2)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 15% must meet the requirements of subsection (2)(a). If no single limited partner's interest equals or exceeds 15%, then 51% of all limited partners must meet the requirements of subsection (2)(a).

(f) if the applicant is a limited liability company~~,~~*:*

(i) all managing members and those members whose ownership interest in the company equals or exceeds 15% must meet the requirements of subsection (2)(a). If no single member's interest equals or exceeds 15%, then 51% of all members must meet the requirements of subsection (2)(a).

(ii) the limited liability company is authorized to do business in Montana;

(g) if the applicant is a trust, the trustee must meet the requirements of subsection (2)(a);

(h) if the applicant is a nonprofit organization:

(i) the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a); and

(ii) the nonprofit organization is authorized to do business in Montana;

(i) if the applicant is a cooperative association:

(i) the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a); and

(ii) the cooperative association is authorized to do business in Montana.

~~(3) In the case of a license that permits only off-premises consumption and subject to subsection (8), the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:~~

~~(a) if the applicant is an individual:~~

~~(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales;~~

~~(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;~~

~~(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;~~

~~(iv) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;~~

~~(v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; however, nothing in this subsection (3)(a)(v) authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license; and~~

~~(vi) the applicant is not under 19 years of age;~~

~~(b) if the applicant is a publicly traded corporation:~~

~~(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual listed in subsection (3)(a). If no single owner owns more than 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a).~~

~~(ii) the corporation is authorized to do business in Montana;~~

~~(c) if the applicant is a privately held corporation:~~

~~(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (3)(a). If no single owner owns more than 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (3)(a).~~

~~(ii) the corporation is authorized to do business in Montana;~~

~~(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (3)(a);~~

~~(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 15% must meet the requirements of subsection (3)(a). If no single limited partner's interest equals or exceeds 15%, then 51% of all limited partners must meet the requirements of subsection (3)(a).~~

~~(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds 15% must meet the requirements of subsection (3)(a). If no single~~

~~member's interest equals or exceeds 15%, then 51% of all members must meet the requirements of subsection (3)(a).~~

~~(4) Subject to 16-4-311, in the case of a license that permits the manufacture, importing, or wholesaling of an alcoholic beverage, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:~~

~~(a) if the applicant is an individual:~~

~~(i) the applicant has no ownership interest in any establishment licensed under this chapter for retail alcoholic beverages sales;~~

~~(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;~~

~~(iii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;~~

~~(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; however, nothing in this subsection (4)(a)(iv) authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license;~~

~~(v) the applicant is not under 19 years of age; and~~

~~(vi) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage;~~

~~(b) if the applicant is a publicly traded corporation:~~

~~(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual listed in subsection (4)(a). If no single owner owns more than 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a).~~

~~(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and~~

~~(iii) the corporation is authorized to do business in Montana;~~

~~(c) if the applicant is a privately held corporation:~~

~~(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (4)(a). If no single owner owns more than 15% of the outstanding stock, the applicant must designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a) and the owners of 51% of the outstanding stock must meet the requirements of subsection (4)(a).~~

~~(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and~~

~~(iii) the corporation is authorized to do business in Montana;~~

~~(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (4)(a);~~

~~(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 15% must meet the requirements of subsection (4)(a). If no single limited partner's interest equals or exceeds 15%, then 51% of all limited partners must meet the requirements of subsection (4)(a).~~

~~(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or~~

~~exceeds 15% must meet the requirements of subsection (4)(a). If no single member's interest equals or exceeds 15%, then 51% of all members must meet the requirements of subsection (4)(a).~~

(3) The applicant and any individual of the applicant who must meet the requirements of (2)(a) must be current on all tax filings, taxes, interest, and penalties due to the state; however, nothing in this subsection authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license.

~~(5)~~*(4)* In the case of a corporate applicant, the requirements of subsections (2)(b)~~, (3)(b), and (4)(b)~~ *or (2)(c)* apply separately to each class of stock.

~~(6)~~*(5)* The provisions of subsection (2) do not apply to an applicant for or holder of a license pursuant to 16-4-302 *or an applicant for registration under 16-4-101 or 16-4-107*.

~~(7)~~*(6)* An applicant's source of funding must be from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:

(a) is a person whose prior financial or other activities or criminal record:

(i) poses a threat to the public interest of the state;

(ii) poses a threat to the effective regulation and control of alcoholic beverages; or

(iii) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business; or

(b) has been convicted of a felony ~~offense within 5 years of the date of application or is on probation or parole or under deferred prosecution for committing a felony offense~~*, unless the person's rights have been restored*.

~~(8) (a) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201.~~

~~(b) If two or more individuals through business or family relationship share in the profits or liabilities of all-beverages licenses, the aggregate number of licenses in which they share profits or liabilities may not exceed half the total number of allowable all-beverages licenses in the specific quota area in which the all-beverages licenses will be held.~~

~~(9)~~*(7)* (a) Except as specifically provided in this code relating to financial interests in licenses, nothing in this section applies or otherwise prohibits an applicant or licensee from obtaining personal financing from a licensed financial institution, taking advantage of consumer credit, or using a personal credit card to make purchases on behalf of a licensed entity if the applicant or licensee is reimbursed by the licensed entity within 90 days. An applicant or individual may obtain multiple transactions up to an aggregate maximum of $100,000 with each individual transaction not to exceed $25,000 to be used on behalf of the licensed entity.

(b) A licensee's use of short-term financing of 90 days or less from institutional lenders and noninstitutional lenders does not constitute an undisclosed ownership interest in the license.

(c) It is the intent of this subsection ~~(9)~~ *(7)* to facilitate the efficient administration of an entity licensed under this code.

(8) (a) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201.

(b) If two or more individuals through a business or family relationship share in the profits or liabilities of all-beverages licenses, the aggregate number of licenses in which they share in the profits or liabilities may not exceed half the total number of allowable all-beverages licenses in the specific quota area in which the all-beverages licenses will be held.

(c) An applicant applying for an all-beverages license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not, if the application were to be approved, possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales. However, resort retail all-beverages licenses issued under 16-4-213 do not count toward this limit.

(d) An applicant and any individual of the applicant who must meet the requirements of subsection (2)(a) may not possess an ownership interest in an agency liquor store as defined in 16-1-106.

(e) An applicant for an on-premises consumption license or any member of the applicant's immediate family must be without financing from and may not have any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages, except that an applicant's spouse may possess an ownership interest in one or more manufacturer licenses. This prohibition also applies to any individual of the applicant who must meet the requirements of subsection (2)(a).

(f) An applicant for an off-premises consumption license or any member of the applicant's immediate family must be without financing from and may not have any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages. This prohibition also applies to any individual of the applicant who must meet the requirements of subsection (2)(a).

(g) An applicant for a manufacturing, importing, or wholesaling license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not possess an ownership interest in any establishment licensed under this chapter for retail alcoholic beverage sales.

(h) An applicant for a wholesale license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not be a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage."

Section 11. Transition. The department shall reclassify existing licenses to a registrant pursuant to [section 7] after June 30, 2024, and during the existing licensee's renewal.

Section 12. Coordination instruction. If both House Bill No. 539 and [this act] are passed and approved and both contain a section amending 16-3-311, then the sections amending 16-3-311 are void and 16-3-311 must be amended as follows:

"16-3-311. Suitable premises for licensed retail establishments. (1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages*, except as otherwise allowed in 16-3-302(4)*. The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated. Except as provided in subsection (8), the premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. *A licensee may lease the kitchen or another specified area to allow another business entity to operate a business within its premises without permanent floor-to-ceiling walls and without a concession*

agreement if the other business does not take orders for, serve, or deliver alcohol and has a separate point of sale system. If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access.

(b) A resort retail all-beverages licensee ~~or~~, a retail all-beverages licensee*, or an on-premises consumption beer and wine licensee* within the boundaries of a resort area may also utilize ~~an~~ *up to three* alternate alcoholic beverage storage ~~facility~~ *facilities* as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as painting, carpeting, or other interior decorating, is not considered an alteration under this section. *If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval.*

(3) The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.

(4) The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(5) Premises suitability does not include a minimum number of seats.

(6) A licensed retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed retailer approved for onsite alcoholic beverage storage separate from its service area as long as the licensed retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. The application fee is $100. *On department approval, an on-premises consumption retailer's keg storage and beer lines running into the licensed premises may be in a noncontiguous storage area provided that the licensee is able to maintain control and adequate safeguards are in place to prevent public access.*

(7) A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units, and the prestocking of alcoholic

beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is $100.

(8) An on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation.

(9) (a) For the purposes of this section, "adequate physical separation" means:

(i) the premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation as specified in 16-3-213(2)(b); and

(ii) the separation may include doors, gates, or windows that may be left open during business hours.

(b) The term does not require permanent floor-to-ceiling walls."

Section 13. Effective dates. (1) [Sections 1 through 4 and 7] are effective July 1, 2024.

(2) [Sections [8 through 12] and this section are effective on passage and approval.

(3) [Sections 5 and 6] are effective October 1, 2023.

Approved May 22, 2023

CHAPTER NO. 750

[SB 246]

AN ACT REVISING LAWS RELATED TO THE WATER'S-EDGE ELECTION FOR CORPORATE INCOME TAX PURPOSES; ELIMINATING THE LIST OF COUNTRIES THAT ARE CONSIDERED TAX HAVENS FROM THE INCOME AND APPORTIONMENT FACTORS; ELIMINATING REPORTING REQUIREMENTS; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-31-321, 15-31-322, 15-31-323, 15-31-324, 15-31-325, AND 15-31-326, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-31-321, MCA, is amended to read:

"**15-31-321. Definitions.** As used in 15-31-321 through 15-31-326, unless the context requires otherwise, the following definitions apply:

(1) "Affiliated corporation" means a United States parent corporation and any subsidiary of which more than 50% of the voting stock is owned directly or indirectly by another corporate member of the water's-edge combined group.

~~(2)~~*(2)* "United States" means the 50 states of the United States, ~~and~~ the District of Columbia*, and any territory or possession of the United States*.

~~(3)~~*(3)* "Water's-edge combined group" means all corporations or entities included in the election of a taxpayer under 15-31-322."

Section 2. Section 15-31-322, MCA, is amended to read:

"**15-31-322. Water's-edge election ~~-- inclusion of tax havens~~.** ~~(1)~~ Notwithstanding any other provisions of law, a taxpayer subject to the taxes imposed under this chapter may apportion its income under this section. A return under a water's-edge election must include the income and apportionment factors of the following affiliated corporations only:

~~(a)~~*(1)* a corporation incorporated in the United States in a unitary relationship with the taxpayer and eligible to be included in a federal consolidated return as described in 26 U.S.C. 1501 through 1505 that has more than 20% of its payroll and property assignable to locations inside the United States. For purposes of determining eligibility for inclusion in a federal consolidated return under this subsection (1)~~(a)~~, the 80% stock ownership requirements of 26 U.S.C. 1504 must be reduced to ownership of over 50% of the voting stock directly or indirectly owned or controlled by an includable corporation.

~~(b)~~*(2)* domestic international sales corporations, as described in 26 U.S.C. 991 through 994, and foreign sales corporations, as described in 26 U.S.C. 921 through 927;

~~(c)~~*(3)* export trade corporations, as described in 26 U.S.C. 970 and 971;

~~(d)~~*(4)* foreign corporations deriving gain or loss from disposition of a United States real property interest to the extent recognized under 26 U.S.C. 897; *or*

~~(e)~~*(5)* a corporation incorporated outside the United States if over 50% of its voting stock is owned directly or indirectly by the taxpayer and if more than 20% of the average of its payroll and property is assignable to a location inside the United States~~; or~~

~~(f) a corporation that is in a unitary relationship with the taxpayer and that is incorporated in a tax haven, including Andorra, Anguilla, Antigua and Barbuda, Aruba, the Bahamas, Bahrain, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Cook Islands, Cyprus, Dominica, Gibraltar, Grenada, Guernsey-Sark-Alderney, Isle of Man, Jersey, Liberia, Liechtenstein, Luxembourg, Malta, Marshall Islands, Mauritius, Monaco, Montserrat, Nauru, Netherlands Antilles, Niue, Panama, Samoa, San Marino, Seychelles, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Turks and Caicos Islands, U.S. Virgin Islands, and Vanuatu~~.

~~(2) The department shall report biennially, in accordance with 5-11-210, to the revenue interim committee with an update of countries that may be considered a tax haven under subsection (1)(f).~~"

Section 3. Section 15-31-323, MCA, is amended to read:

"**15-31-323. Apportionment factors -- inclusion of tax havens.** ~~(1)~~ For purposes of 15-31-322~~(1)(a) through (1)(e)~~, the location of payroll and property is determined under the individual state's laws and regulations that set forth the apportionment formulas used to assign net income subject to taxes on or measured by net income. If ~~a~~ *a* state does not impose a tax on or measured by net income, apportionment is determined under this chapter.

~~(2) For the purposes of 15-31-322(1)(f), income shifted to a tax haven, to the extent taxable, is considered income subject to apportionment.~~"

Section 4. Section 15-31-324, MCA, is amended to read:

"**15-31-324. Water's-edge election period -- consent -- change of election.** (1) A water's-edge election may be made by a taxpayer and is effective only if every affiliated corporation subject to the taxes imposed under this chapter consents to the election. Consent by the common parent of an affiliated group constitutes consent of all members of the group. An affiliated corporation that becomes subject to taxes under this chapter after the water's-edge election is considered to have consented to the election. The election must disclose the identity of the taxpayer and the identity of any affiliated corporation~~, including an affiliated corporation incorporated in a tax haven as set forth in 15-31-322(1)(f),~~ in which the taxpayer owns directly or indirectly more than 50% of the voting stock of the affiliated corporation.

(2) Except as provided in ~~subsections~~ *subsection* (3) ~~and (4)~~, each water's-edge election must be for 3-year renewable periods.

(3) A water's-edge election may be changed by a taxpayer before the end of each 3-year period only with the permission of the department. In granting a change of election, the department shall impose reasonable conditions that are necessary to prevent the avoidance of tax or clearly reflect income for the election period prior to the change.

~~(4) A taxpayer subject to the provisions of 15-31-322(1)(f) who has a water's-edge election that is in effect for tax periods beginning both before and after October 1, 2003, may rescind the election for any tax period beginning after October 1, 2003.~~"

Section 5. Section 15-31-325, MCA, is amended to read:

"**15-31-325. Treatment of dividends.** For purposes of 15-31-321 through 15-31-326, dividends must be treated as follows:

(1) Dividends received from corporations incorporated outside the United States, to the extent taxable, are considered income subject to apportionment.

(2) The after-tax net income of United States corporations excluded from eligibility as affiliated corporations under 15-31-322~~(1)~~ and possession corporations described in sections 931 through 934 and 936 of the Internal Revenue Code are considered dividends received from corporations incorporated outside the United States.

(3) Amounts included in income under sections 951 through 962 and 964 of the Internal Revenue Code are considered dividends from corporations incorporated outside the United States.

(4) Eighty percent of all dividends apportionable under this section must be excluded from income subject to apportionment.

(5) "Deemed" distributions, as set forth in section 78 of the Internal Revenue Code, and corresponding amounts with respect to dividends considered received under subsection (2) of this section must be excluded from the income of the water's-edge combined group.

(6) The dividends apportionable under this section are in lieu of any expenses attributable to dividend income.

(7) A dividend from a corporation required to be combined in the water's-edge combined group must be eliminated from the calculation of apportionable income."

Section 6. Section 15-31-326, MCA, is amended to read:

"**15-31-326. Domestic disclosure spreadsheet ~~-- inclusion of tax havens~~.** ~~(1)~~ The department may require a taxpayer making a water's-edge election to submit within 6 months after the taxpayer files its federal income tax return a domestic disclosure spreadsheet to provide full disclosure of the income reported to each state for the year, the tax liability for each state, the method used for allocating or apportioning income to the states, and the identity of the water's-edge corporate group and those of its United States affiliated corporations.

~~(2) The department may require a taxpayer subject to the provisions of 15-31-322(1)(f) to disclose the same information for tax havens as is required for states in subsection (1).~~"

Section 7. Effective date. [This act] is effective on passage and approval.

Section 8. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2022.

Approved May 22, 2023

CHAPTER NO. 751

[SB 253]

AN ACT REVISING THE CONTRACTOR'S GROSS RECEIPTS TAX; INCREASING THE AMOUNT OF THE EXEMPTION IN THE DEFINITION OF A PUBLIC CONTRACTOR; AMENDING SECTION 15-50-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-50-101, MCA, is amended to read:

"**15-50-101. Definitions.** As used in this chapter, the following definitions apply:

(1) "Department" means the department of revenue as provided in 2-15-1301.

(2) "Gross receipts" means all receipts from sources within the state, whether in the form of money, credits, or other valuable consideration, received from, engaging in, or conducting a business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, taxes, losses, or any other expense whatsoever. However, gross receipts does not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectible accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(3) (a) "Public contractor" means any person who submits a proposal to perform or enters into a contract for performing public construction work in the state with the federal government or state of Montana; with any board, commission, or department of the state; with any board of county commissioners, any city or town council, or any agency of any of them; or with any other public board, body, commission, or agency authorized to let or award contracts for any public work when the contract cost, value, or price exceeds the sum of ~~$5,000~~ *$80,000*.

(b) The term public contractor includes subcontractors undertaking to perform work covered by the original contract or any part of the contract when the contract cost, value, or price exceeds the sum of ~~$5,000~~ *$80,000*."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to any public contract entered into on or after [the effective date of this act].

Approved May 22, 2023

CHAPTER NO. 752

[SB 285]

AN ACT GENERALLY REVISING LAWS RELATED TO SUBDIVISION SANITATION REVIEW; LIMITING THE REGULATION OF INDIVIDUAL SEWAGE FACILITIES TO THOSE THAT ARE HIGHER IN ELEVATION OR LESS THAN 500 FEET AWAY FROM STATE SURFACE WATERS; REVISING SUBDIVISION EXEMPTIONS; AMENDING SECTIONS 75-5-301, 76-4-102, 76-4-104, 76-4-108, 76-4-115, AND 76-4-125, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-5-301, MCA, is amended to read:

"**75-5-301. Classification and standards for state waters.** Consistent with the provisions of 80-15-201 and this chapter, the department shall:

(1) establish the classification of all state waters in accordance with their present and future most beneficial uses, creating an appropriate classification for streams that, due to sporadic flow, do not support an aquatic ecosystem that includes salmonid or nonsalmonid fish;

(2) formulate and adopt standards of water quality, considering the economics of waste treatment and prevention. When rules are adopted regarding temporary standards, they must conform with the requirements of 75-5-312. Standards must meet the following requirements:

(a) for carcinogens, the water quality standard for protection of human health must be the value associated with an excess lifetime cancer risk level, assuming continuous lifetime exposure, not to exceed 1×10^{-3} in the case of arsenic and 1×10^{-5} for other carcinogens. However, if a standard established at a risk level of 1×10^{-3} for arsenic or 1×10^{-5} for other carcinogens violates the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen.

(b) standards for the protection of aquatic life do not apply to ground water.

(3) review, from time to time at intervals of not more than 3 years and, to the extent permitted by this chapter, revise established classifications of waters and adopted standards of water quality;

(4) adopt rules governing the granting of mixing zones, requiring that mixing zones granted by the department be specifically identified and requiring that mixing zones have:

(a) the smallest practicable size;

(b) a minimum practicable effect on water uses; and

(c) definable boundaries;

(5) adopt rules implementing the nondegradation policy established in 75-5-303, including but not limited to rules that:

(a) provide a procedure for department review and authorization of degradation;

(b) establish criteria for the following:

(i) determining important economic or social development; and

(ii) weighing the social and economic importance to the public of allowing the proposed project against the cost to society associated with a loss of water quality;

(c) establish criteria for determining whether a proposed activity or class of activities, in addition to those activities identified in 75-5-317, will result in nonsignificant changes in water quality for any parameter in order that those activities are not required to undergo review under 75-5-303(3). These criteria must be established in a manner that generally:

(i) equates significance with the potential for harm to human health, a beneficial use, or the environment;

(ii) considers both the quantity and the strength of the pollutant;

(iii) considers the length of time the degradation will occur;

(iv) considers the character of the pollutant so that greater significance is associated with carcinogens and toxins that bioaccumulate or biomagnify and lesser significance is associated with substances that are less harmful or less persistent.

(d) provide that changes of nitrate as nitrogen in ground water are nonsignificant if the discharge will not cause degradation of surface water and the predicted concentration of nitrate as nitrogen at the boundary of the ground water mixing zone does not exceed:

(i) 7.5 milligrams per liter from sources other than sewage;

(ii) 5.0 milligrams per liter from sewage discharged from a system that does not use level two treatment in an area where the ground water nitrate as nitrogen is 5.0 milligrams per liter or less;

(iii) 7.5 milligrams per liter from sewage discharged from a system using level two treatment, which must be defined in the rules; or

(iv) 7.5 milligrams per liter from sewage discharged from a system in areas where the ground water nitrate as nitrogen level exceeds 5.0 milligrams per liter primarily from sources other than human waste.*; and*

(e) for septic system discharges that are not subject to ground water permitting requirements under 75-5-401, establish criteria to determine when the discharges result in nonsignificant changes in surface water quality in order that those discharges are not required to undergo review under 75-5-303(3) and no further analysis under law or rule is required. The criteria must:

(i) be adopted by rule before July 1, 2024; and

(ii) be developed in a manner that generally considers soil type, mixing zone dilution and nitrogen credits, horizontal distance between the discharge and the surface water in the direction of ground water flow, and elevation, including:

(A) adopt surface water impacts for low flow conditions based on mixing zone dilution concentrations and other credits for nitrogen;

(B) credit nitrogen degradation at the drainfield and riparian zone attenuation based on soil type;

(C) exempt surface water body impacts when drainfield is lower in elevation than the waterbody;

(D) limit the adjacent to surface water trigger analysis to a maximum of 1/4 or 1/2 mile from the drainfield to a surface water, depending on soil type; and

(E) create nonsignificant surface water impact categories of 500 or more feet from the surface water that consider soil texture, ground water depths and other pertinent information.

(6) to the extent practicable, ensure that the rules adopted under subsection (5) establish objective and quantifiable criteria for various parameters. These criteria must, to the extent practicable, constitute guidelines for granting or denying applications for authorization to degrade high-quality waters under the policy established in 75-5-303(2) and (3).

(7) adopt rules to implement this section."

Section 2. Section 76-4-102, MCA, is amended to read:

"**76-4-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adequate county water and/or sewer district facilities" means facilities provided by a county water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75, chapters 5 and 6.

(2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, chapters 5 and 6.

(3) "Board" means the board of environmental review.

(4) "Certifying authority" means a municipality or a county water and/or sewer district that meets the eligibility requirements established by the department under ~~76-4-104(6)~~. *76-4-104(7)*.

(5) "Department" means the department of environmental quality.

(6) "Extension of a public sewage system" means a sewerline that connects two or more sewer service lines to a sewer main.

(7) "Extension of a public water supply system" means a waterline that connects two or more water service lines to a water main.

(8) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

(9) "Individual water system" means any water system that serves one living unit or commercial unit and that is not a public water supply system as defined in 75-6-102.

(10) "Mixing zone" has the meaning provided in 75-5-103.

(11) (a) "Proposed drainfield mixing zone" means a mixing zone submitted for approval under this chapter after March 30, 2011.

(b) The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011.

(12) (a) "Proposed well isolation zone" means a well isolation zone submitted for approval under this chapter after October 1, 2013.

(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013.

(13) "Public sewage system" or "public sewage disposal system" means a public sewage system as defined in 75-6-102.

(14) "Public water supply system" has the meaning provided in 75-6-102.

(15) "Regional authority" means any regional water authority, regional wastewater authority, or regional water and wastewater authority organized pursuant to the provisions of Title 75, chapter 6, part 3.

(16) "Registered professional engineer" means a person licensed to practice as a professional engineer under Title 37, chapter 67.

(17) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37, chapter 40.

(18) "Reviewing authority" means the department or a local department or board of health certified to conduct a review under 76-4-104.

(19) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal, facilities until the department has approved plans for those facilities.

(20) "Sewage" has the meaning provided in 75-5-103.

(21) "Sewer service line" means a sewerline that connects a single building or living unit to a public sewage system or to an extension of a public sewage system.

(22) "Solid waste" has the meaning provided in 75-10-103.

(23) "Subdivision" means a division of land or land so divided that creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, any condominium, townhome, or townhouse, or any parcel, regardless of size, that provides two or more permanent spaces for recreational camping vehicles or mobile homes.

(24) "Water service line" means a waterline that connects a single building or living unit to a public water supply system or to an extension of a public water supply system.

(25) "Well isolation zone" means the area within a 100-foot radius of a water well."

Section 3. Section 76-4-104, MCA, is amended to read:

"**76-4-104. Rules for administration and enforcement.** (1) The department shall, subject to the provisions of 76-4-135, adopt reasonable rules, including adoption of sanitary standards, necessary for administration and enforcement of this part.

(2) The rules and standards must provide the basis for approving subdivisions for various types of public and private water supplies, sewage disposal facilities, storm water drainage ways, and solid waste disposal. The rules and standards must be related to:

(a) size of lots;

(b) contour of land;

(c) porosity of soil;

(d) ground water level;

(e) distance from lakes, streams, and wells;

(f) type ~~and construction,~~ *and construction* of private water and sewage facilities; and

(g) other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation, and wildlife.

(3) The storm drainage review requirements of this chapter do not apply to divisions or parcels of land that are exempt from review under 76-3-207(1)(a), (1)(d), (1)(e), or (1)(f) that:

(a) are used for a single-family residential purpose; and

(b) include no more than 25% that is impervious.

~~(3)~~*(4)* (a) Except as provided in subsection ~~(3)(b)~~ *(4)(b)*, the rules must provide for the review of subdivisions consistent with 76-4-114 by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection ~~(4)~~ *(5)* that the local department or board is competent to conduct the review.

(b) (i) Except as provided in 75-6-121 and subsection ~~(3)~~*(4)*(b)(ii) of this section, a local department or board of health may not review public water supply systems, public sewage systems, or extensions of or connections to these systems.

(ii) A local department or board of health may be certified by the department to review subdivisions proposed to connect to existing municipal or county water and/or sewer district water and wastewater systems previously approved by the department if no extension of the systems is required.

~~(4)~~*(5)* The department shall also adopt standards and procedures for certification and maintaining certification to ensure that a local department or board of health is competent to review the subdivisions as described in subsection ~~(3)~~ *(4)*.

~~(5)~~*(6)* The department shall review those subdivisions described in subsection ~~(3)~~ *(4)* if:

(a) a proposed subdivision lies within more than one jurisdictional area and the respective governing bodies are in disagreement concerning approval of or conditions to be imposed on the proposed subdivision; or

(b) the local department or board of health elects not to be certified.

~~(6)~~*(7)* The rules must further provide for:

(a) providing the reviewing authority with a copy of the plat or certificate of survey subject to review under this part and other documentation showing the layout or plan of development, including:

(i) total development area; and

(ii) total number of proposed units and structures requiring facilities for water supply or sewage disposal;

(b) adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed;

(c) evidence concerning the potability of the proposed water supply for the subdivision;

(d) adequate evidence that a sewage disposal facility is sufficient in terms of capacity and dependability;

(e) standards and technical procedures applicable to storm drainage plans and related designs, in order to ensure proper drainage ways, except that the rules must provide a basis for not requiring storm water review under this part for parcels 5 acres and larger on which the total impervious area does not and will not exceed 5%. Nothing in this section relieves any person of the duty to comply with the requirements of Title 75, chapter 5, or rules adopted pursuant to Title 75, chapter 5.

(f) standards and technical procedures applicable to sanitary sewer plans and designs, including soil testing and site design standards for on-lot sewage disposal systems when applicable;

(g) standards and technical procedures applicable to water systems;

(h) standards and technical procedures applicable to solid waste disposal;

(i) adequate evidence that a proposed drainfield mixing zone and a proposed well isolation zone are located wholly within the boundaries of the proposed subdivision where the proposed drainfield or well is located or that an easement or, for public land, other authorization has been obtained from the landowner to place the proposed drainfield mixing zone or proposed well isolation zone outside the boundaries of the proposed subdivision where the proposed drainfield or proposed well is located.

(i) A proposed drainfield mixing zone or a proposed well isolation zone for an individual water system well that is a minimum of 50 feet inside the subdivision boundary may extend outside the boundaries of the subdivision onto adjoining land that is dedicated for use as a right-of-way for roads, railroads, or utilities.

(ii) This subsection ~~(6)~~*(7)*(i) does not apply to the divisions provided for in 76-3-207 except those under 76-3-207(1)(b). Nothing in this section is intended to prohibit the extension, construction, or reconstruction of or other improvements to a public sewage system within a well isolation zone that extends onto land that is dedicated for use as a right-of-way for roads, railroads, or utilities.

(j) criteria for granting waivers and deviations from the standards and technical procedures adopted under subsections ~~(6)~~*(7)*(e) through ~~(6)~~*(7)*(i);

(k) evidence to establish that, if a public water supply system or a public sewage system is proposed, provision has been made for the system and, if other methods of water supply or sewage disposal are proposed, evidence that the systems will comply with state and local laws and regulations that are in effect at the time of submission of the subdivision application under this chapter. Evidence that the systems will comply with local laws and regulations must be in the form of a certification from the local health department as provided by department rule.

(l) evidence to demonstrate that appropriate easements, covenants, agreements, and management entities have been established to ensure the protection of human health and state waters and to ensure the long-term operation and maintenance of water supply, storm water drainage, and sewage disposal facilities;

(m) eligibility requirements for municipalities and county water and/or sewer districts to qualify as a certifying authority under the provisions of 76-4-127*;*

(n) construction details for individual and shared onsite wastewater systems to be reviewed by the local board of health at the time of septic permitting, except

that the reviewing authority may require additional construction detail if the wastewater is not residential strength;

(o) simplified methods for storm water reviews, including acceptable minimum storm water volumes based solely on impervious area for proposed lots with one or two single-family residences; and

(p) a basis for exempting from review facilities previously approved under this chapter or by a local reviewing authority of the facility is not proposed to be changed, is not affected by a proposed change to another facility, and meets the design conditions of its existing approval under this chapter or by the local authority and is operating properly. Existing systems must meet the current setbacks established in rule and subsection (7)(i), unless the lot was created before the relevant effective dates for mixing zones and isolation zones.

~~(7)~~*(8)* The requirements of subsection ~~(6)~~*(7)*(i) regarding proposed drainfield mixing zones and proposed well isolation zones apply to all subdivisions or divisions excluded from review under 76-4-125 created after October 1, 2021, except as provided in subsections ~~(6)~~*(7)*(i)(i) and ~~(6)~~*(7)*(i)(ii).

~~(8)~~*(9)* The department shall:

(a) conduct a biennial review of experimental wastewater system components that have been granted a waiver or deviation as provided in subsection ~~(6)~~*(7)*(j);

(b) utilize relevant analysis of wastewater system components approved in other states and data from peer-reviewed third-party studies to conduct the review provided in subsection ~~(8)~~*(9)*(a);

(c) propose those experimental wastewater system components that meet the purposes and provisions of this part for adoption into the rules pursuant to this section; and

(d) report to the local government interim committee biennially, in accordance with 5-11-210, the number and type of experimental wastewater system components reviewed and the number and type of system components approved and provide written findings to explain why a system component was reviewed but not approved.

~~(9)~~*(10)* Review and certification or denial of certification that a division of land is not subject to sanitary restrictions under this part may occur only under those rules in effect when a complete application is submitted to the reviewing authority, except that in cases in which current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time the lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality apply.

~~(10)~~*(11)* The reviewing authority may not deny or condition a certificate of subdivision approval under this part unless it provides a written statement to the applicant detailing the circumstances of the denial or condition imposition. The statement must include:

(a) the reason for the denial or condition imposition;

(b) the evidence that justifies the denial or condition imposition; and

(c) information regarding the appeal process for the denial or condition imposition.

~~(11)~~*(12)* The department may adopt rules that provide technical details and clarification regarding the water and sanitation information required to be submitted under 76-3-622."

Section 4. Section 76-4-108, MCA, is amended to read:

"**76-4-108. Enforcement.** (1) If the reviewing authority has reason to believe that a violation of this part or a rule adopted or an order issued under this part has occurred, the reviewing authority may have written notice and an

order served personally or by certified mail on the alleged violator or the alleged violator's agent. The notice must state the provision alleged to be violated, the facts alleged to constitute the violation, the corrective action required by the reviewing authority, and the time within which the action is to be taken. A notice and order issued by the department under this section may also assess an administrative penalty as provided in 76-4-109. The alleged violator may, no later than 30 days after service of a notice and order under this section, request a hearing before the local reviewing authority if it issued the notice of violation or the board if the department issued the notice of violation. A request for a hearing must be filed in writing with the appropriate entity and must state the reason for the request. If a request is filed, a hearing must be held within a reasonable time.

(2) In addition to or instead of issuing an order, the reviewing authority may initiate any other appropriate action to compel compliance with this part.

(3) The provisions of this part may be enforced by a reviewing authority other than the department or board only for those divisions described in ~~76-4-104(3).~~ *76-4-104(4).* If a local reviewing authority fails to adequately enforce the provisions of this part, the department or the board may compel compliance with this part under the provisions of this section.

(4) When a local reviewing authority exercises the authority delegated to it by this section, the local reviewing authority is legally responsible for its actions under this part.

(5) If the department or a local reviewing authority determines that a violation of this part, a rule adopted under this part, or an order issued under this part has occurred, the department or the local reviewing authority may revoke its certificate of approval for the subdivision and reimpose sanitary restrictions following written notice to the alleged violator. Upon revocation of a certificate, the person aggrieved by revocation may request a hearing. A hearing request must be filed in writing within 30 days after receipt of the notice of revocation and must state the reason for the request. The hearing is before the board if the department revoked the certificate or before the local reviewing authority if the local reviewing authority revoked the certificate.

(6) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing held under this section."

Section 5. Section 76-4-115, MCA, is amended to read:

"**76-4-115. Contents of application -- supplemental information.** (1) The application submitted under 76-4-114 must include preliminary plans and specifications for the proposed development, information required under rules adopted pursuant to this chapter, and any additional information the applicant feels necessary.

(2) In addition to the information required for the submission of the application under subsection (1), before the reviewing authority makes a final decision on the application, the applicant shall provide:

(a) a copy of the certification from the local health department required by ~~76-4-104(6)(k)~~ *76-4-104(7)(k)*;

(b) if required under Title 76, chapter 3, an approval from the local governing body under Title 76, chapter 3; and

(c) any public comments or summaries of public comments collected as provided in 76-3-604(7)."

Section 6. Section 76-4-125, MCA, is amended to read:

"**76-4-125. Land divisions excluded from review.** (1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or

parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(a) the ~~exclusion~~ *exclusions* cited in 76-3-201 *and 76-3-207(1)(f)*;

(b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;

(c) divisions made for purposes other than the construction of water supply or sewage or solid waste disposal facilities as the department specifies by rule;

(d) as certified pursuant to 76-4-127:

(i) new divisions subject to review under the Montana Subdivision and Platting Act;

(ii) divisions or previously divided parcels recorded with sanitary restrictions; or

(iii) divisions or previously divided parcels of land that are exempt from the Montana Subdivision and Platting Act review under 76-3-203 or 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), or (1)(f);

(e) subject to the provisions of subsection (2), a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant to local regulations or this chapter; and

(f) the sale of cabin or home sites as provided for and subject to the limitations in 77-2-318(2).

(2) Consistent with the applicable provisions of 50-2-116, a local health officer may require that, prior to the filing of a plat or a certificate of survey subject to review under this part for the parcel to be segregated from the remainder referenced in subsection (1)(e)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield.

(3) A previously divided parcel that meets the eligibility criteria for an existing exemption from this part may use the exemption in lieu of obtaining a certificate of subdivision approval if the appropriate document, exemption certificate, certificate of survey, or subdivision plat filed with the county clerk and recorder cites the applicable exemption in its entirety.

(4) At the request of the owner, the original certificate of subdivision approval shall be reissued for a parcel previously approved under this part if:

(a) the parcel was subsequently divided without review and approval under this part; and

(b) the unapproved parcels are aggregated to return to the original divided parcel as originally approved."

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 753

[SB 303]

AN ACT INCREASING THE PENALTIES FOR NONCOMPLIANCE WITH TAX WITHHOLDING REPORTING REQUIREMENTS; PROVIDING FOR WAIVERS OF THE PENALTIES; PROVIDING RULEMAKING AUTHORITY;

AMENDING SECTIONS 15-30-2509 AND 15-30-2546, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-2509, MCA, is amended to read:

"**15-30-2509. Violations by employer -- penalties, interest, and remedies*, and waivers -- rulemaking*.** (1) The department shall, as provided in 15-1-216, add penalty and interest to the amount of all delinquent withholding taxes.

(2) In addition to the penalties imposed by 15-1-216, the failure of an employer to furnish a wage and tax statement, as required by 15-30-2507(1), subjects the employer to a penalty of ~~$5~~ *$50* for each failure, with a minimum of ~~$50~~ *$250*.

(a) If the department has not previously imposed a penalty authorized by this section on the employer, the penalty must be waived if the wage and tax statement is furnished within 30 days of the department's notice that the statement is delinquent.

(b) If the department has previously imposed a penalty authorized by this section on the employer, the penalty may only be waived if the employer:

(i) submits the wage and tax statement within 15 calendar days of the due date of the wage and tax statement; or

(ii) demonstrates there is reasonable cause for the failure to furnish the required wage and tax statement.

(c) Penalties imposed by the department for failing to timely file a wage and tax statement occurring before [the effective date of this act] are not relevant when making a determination under subsections (2)(a) and (2)(b).

(d) The department is authorized to adopt rules to administer and enforce the provisions of this section.

(3) All remedies available to the state for the administration, enforcement, and collection of income taxes are available and apply to the tax required to be deducted and withheld under the provisions of 15-30-2501 through 15-30-2508 unless otherwise specifically provided for in this part."

Section 2. Section 15-30-2546, MCA, is amended to read:

"**15-30-2546. Violations by remitter -- penalties -- interest -- remedies -- *waivers -- rulemaking*.** (1) The department shall, as provided in 15-1-216, add penalty and interest to the amount of all delinquent withholding taxes.

(2) ~~A~~ *In addition to the penalties imposed by 15-1-216, a* remitter that ~~purposely~~ fails to furnish the royalty and tax statement required by 15-30-2544 is subject to a penalty of ~~$50~~ *$150* for each failure, with a minimum of ~~$1,000~~ *$1,000*. ~~The penalties imposed by this subsection are in addition to the penalties imposed by 15-1-216.~~

(a) If the department has not previously imposed a penalty authorized by this section on the remitter, the penalty must be waived if the royalty and tax statement is furnished within 30 days of the department's notice that the statement is delinquent.

(b) If the department has previously imposed a penalty authorized by this section on the remitter, the penalty may only be waived if the remitter:

(i) submits the royalty and tax statement within 15 calendar days of the due date of the royalty and tax statement; or

(ii) demonstrates there is reasonable cause for the failure to furnish the required royalty and tax statement.

(c) Penalties imposed by the department for failing to timely file a royalty and tax statement occurring before [the effective date of this act] are not relevant when making a determination under subsections (2)(a) and (2)(b).

(d) The department is authorized to adopt rules to administer and enforce the provisions of this section.

(3) All remedies available to the state for the administration, enforcement, and collection of income taxes are available and apply to the tax required to be deducted and withheld under the provisions of 15-30-2536 through 15-30-2547 unless otherwise specifically provided for in this part."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 754

[SB 334]

AN ACT PROVIDING DEFINITIONS TO CLARIFY IMPLEMENTATION OF THE PETROLEUM STORAGE TANK CLEANUP PROGRAM; AMENDING SECTIONS 75-11-307, 75-11-309, 75-11-312, AND 75-11-318, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-11-307, MCA, is amended to read:

"**75-11-307. Reimbursement for expenses caused by release.** (1) Subject to the availability of money from the fund under subsection (6), an owner or operator who is eligible under 75-11-308 and who complies with 75-11-309 and any rules adopted to implement those sections must be reimbursed by the board from the fund for the following eligible costs caused by a release from a petroleum storage tank:

(a) corrective action costs as required by a department-approved corrective action plan, except that if the corrective action plan:

(i) addresses releases of substances other than petroleum products from an eligible petroleum storage tank, the board may reimburse only the costs that would have reasonably been incurred if the only release at the site was the release of the petroleum or petroleum products from the eligible petroleum storage tank; ~~or~~

(ii) includes the establishment of a petroleum mixing zone, as defined in 75-11-503, the board may reimburse the cost of an easement established pursuant to 75-11-508; *or*

(iii) includes costs for the purpose of intentionally remediating the release from a petroleum storage tank that exceed department standards; and

(b) compensation paid to third parties for bodily injury or property damage. The board may not reimburse for property damage until the corrective action is completed.

(2) An owner or operator may not be reimbursed from the fund for the following expenses:

(a) corrective action costs or the costs of bodily injury or property damage paid to third parties that are determined by the board to be ineligible for reimbursement;

(b) costs for bodily injury and property damage, other than corrective action costs, incurred by the owner or operator;

(c) penalties or payments for damages incurred under actions by the department, board, or federal, state, local, or tribal agencies or other government entities involving judicial or administrative enforcement activities and related negotiations;

(d) attorney fees and legal costs of the owner, the operator, or a third party;

(e) costs for the repair or replacement of a tank or piping or costs of other materials, equipment, or labor related to the operation, repair, or replacement of a tank or piping;

(f) expenses incurred before April 13, 1989, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund and expenses incurred before May 15, 1991, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund for a tank storing heating oil for consumptive use on the premises where it is stored or for a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes;

(g) expenses exceeding the maximum reimbursements provided for in subsection (4);

(h) costs for which an owner or operator has received reimbursement or payment from an insurer or other third party, including a grantor;

(i) expenses for work completed by or on behalf of the owner or operator more than 5 years prior to the owner's or operator's request for reimbursement. This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. The running of the 5-year limitation period is suspended by an appeal of the board's denial of eligibility for reimbursement. If a written request for hearing is filed under 75-11-309, the suspension of the 5-year limitation period is effective from the date of the board's initial eligibility denial to the date on which the initial eligibility denial is overturned or reversed by the board, a district court, or the state supreme court, whichever occurs latest. The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator.

(j) costs that the board has determined are not ~~actual,~~ reasonable~~, and necessary~~ costs of responding to the release and implementing the corrective action plan, as provided for in 75-11-309, including costs included in a department-approved corrective action plan for the purpose of remediating the release in excess of department standards.

(3) An owner or operator may designate a person, including a grantor, as an agent to receive the reimbursement for eligible costs incurred by the person if the owner or operator remains legally responsible for all costs and liabilities incurred as a result of the release.

(4) Subject to the availability of funds under subsection (6):

(a) for releases eligible for reimbursement from the fund that are discovered and reported on or after April 13, 1989, from a tank storing heating oil for consumptive use on the premises where it is stored or from a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of $500,000, for properly designed and installed double-walled tank system releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first $10,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of $495,000 for all other releases; and

(b) for all other releases eligible for reimbursement from the fund that are discovered and reported on or after April 13, 1989, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of $1 million, for properly designed and installed double-walled tank system

releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first $35,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of $982,500 for all other releases.

(5) If an insurer or grantor pays or reimburses an owner or operator for costs that qualify as eligible costs under subsection (1), the costs paid or reimbursed by the insurer or grantor:

(a) are considered to have been paid by the owner or operator toward satisfaction of the 50% share requirements of subsection (4)(a)(ii) or (4)(b)(ii) if the owner or operator receives the payment or reimbursement before applying for reimbursement from the board;

(b) are not reimbursable from the fund unless the grantor is designated by the owner or operator as an agent to receive the reimbursement for eligible costs incurred by the grantor; and

(c) except for the amount considered to have been paid by the owner or operator pursuant to subsection (5)(a), are considered to have been reimbursed from the fund for purposes of determining when the board has paid the maximum amount payable from the fund under subsection (4)(a)(ii) or (4)(b)(ii).

(6) If the ~~fund does not contain sufficient money to pay approved claims for eligible costs~~ *ending monthly balance of the fund is less than $1.5 million, excluding a reimbursement for a cost associated with an emergency response*, a reimbursement may not be made and the fund and the board are not liable for making any reimbursement for the costs at that time. When the *ending monthly balance of the* fund contains ~~sufficient money~~ *more than $1.5 million*, eligible costs must be reimbursed subsequently in the order in which they were approved by the board."

Section 2. Section 75-11-309, MCA, is amended to read:

"**75-11-309. Procedures for reimbursement of eligible costs -- corrective action plans.** (1) An owner or operator seeking reimbursement for eligible costs and the department shall comply with the following procedures:

(a) If an owner or operator discovers or is provided evidence that a release may have occurred from the owner's or operator's petroleum storage tank, the owner or operator shall immediately notify the department of the release and conduct an initial response to the release in accordance with state and federal laws and rules to protect the public health and safety and the environment.

(b) Except for a tank for which a permit is sought under 75-11-308(1)(b)(iii) and that is closed within 120 days of discovery of the release, following discovery of the release, the petroleum storage tank must remain in compliance with applicable state and federal laws and rules that the board determines pertain to prevention and mitigation of petroleum releases.

(c) The owner or operator shall conduct a thorough investigation of the release *and, subject to subsection (1)(d)*, report the findings to the department, and, as determined necessary by the department, prepare and submit for approval by the department a corrective action plan that conforms with state, tribal (when applicable), and federal corrective action requirements.

(d) For a release in which the costs are expected to exceed $100,000, an owner or operator, a representative of the owner or operator, the department, the board, and board staff shall meet to discuss the response to the release. For a release in which the costs are expected to be less than $100,000, an owner or operator, a representative of the owner or operator, the department, the board, and board staff may meet to discuss the response to the release if any party requests a meeting.

~~(d)~~*(e)* (i) The department shall review the corrective action plan and forward a copy to a local government office*, the board,* and, when applicable, a tribal

government office with jurisdiction over a corrective action for the release. The local or tribal government office *and the board* shall inform the department if it wants any modification of the proposed plan.

(ii) Based on its own review and comments received from a local government, *a* tribal government, *the board,* or other source, the department, subject to 75-11-408(4)(b), may approve the proposed corrective action plan, make or request the owner or operator to modify the proposed plan, or prepare its own plan for compliance by the owner or operator. A plan finally approved by the department through any process provided in this subsection (1)(d) is the approved corrective action plan.

(iii) After the department approves a corrective action plan, a local government, ~~or~~ *a* tribal government, *or the board* may not impose different corrective action requirements on the owner or operator.

~~(e)~~*(f)* A corrective action plan prepared by the owner, operator, or department for any petroleum storage tank release may include the establishment of a petroleum mixing zone as defined in 75-11-503.

~~(f)~~*(g)* The department shall notify the owner or operator of its approval of a corrective action plan and shall promptly submit a copy of the approved corrective action plan to the board. ~~Upon review, the board may request that the corrective action plan be amended pursuant to 75-11-508 to include a petroleum mixing zone. If the department finds that the conditions for establishment of a petroleum mixing zone in 75-11-508 are satisfied, the corrective action plan must be amended to include a petroleum mixing zone.~~

~~(g)~~*(h)* The owner or operator shall implement the corrective action plan or plans approved by the department until the release is resolved. The department may oversee the implementation of the plan, require reports and monitoring from the owner or operator, undertake inspections, and otherwise exercise its authority concerning corrective action under Title 75, chapter 10, part 7, Title 75, chapter 11, part 5, and other applicable law and rules.

~~(h)~~*(i)* (i) The owner or operator shall document in the manner required by the board all expenses incurred in preparing and implementing the corrective action plan. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(ii) The board shall review each claim and determine if the claims are ~~actual, reasonable, and necessary~~ *actual, reasonable, and necessary* costs of responding to the release and implementing the corrective action plan.

(iii) If the board requires additional information to determine if a claimed cost is ~~actual, reasonable, and necessary~~ *actual, reasonable, and necessary*, the board may request comment from the department and the owner or operator.

(iv) If the department determines that an owner or operator is failing to properly implement a corrective action plan, it shall notify the board.

~~(i)~~*(j)* The owner or operator shall document, in the manner required by the board, any payments to a third party for bodily injury or property damage caused by a release. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

~~(j)~~*(k)* In addition to the documentation in subsections ~~(1)(h) and (1)(i)~~ *(1)(i) and (1)(j)*, when the release is claimed to have originated from a properly designed and installed double-walled tank system, the owner or operator shall document, in the manner required by the board, the following:

(i) the date that the release was discovered; and

(ii) that the originating tank was part of a properly designed and installed double-walled tank system.

(2) If an owner or operator is issued an administrative order for failure to comply with requirements imposed by or pursuant to Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, all reimbursement of claims submitted after the date of the order must be suspended. Upon a written determination by the department that the owner or operator has returned to compliance with the requirements of Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect and duration of the noncompliance.

(3) The board shall review each claim received under subsections ~~(1)(h) and (1)(i)~~ *(1)(i) and (1)(j)*, make the determination required by this subsection, inform the owner or operator of its determination, and, as appropriate, reimburse the owner or operator from the fund. Before approving a reimbursement, the board shall affirmatively determine that:

(a) the expenses for which reimbursement is claimed:

(i) are eligible costs; and

(ii) were *actually, necessarily, and* ~~actually, necessarily, and~~ reasonably incurred for the preparation or implementation of a corrective action plan approved by the department or for payments to a third party for bodily injury or property damage; and

(b) the owner or operator:

(i) is eligible for reimbursement under 75-11-308; and

(ii) has complied with this section and any rules adopted pursuant to this section. Upon a determination by the board that the owner or operator has not complied with this section or rules adopted pursuant to this section, all reimbursement of pending and future claims must be suspended. Upon a determination by the board that the owner or operator has returned to compliance with this section or rules adopted pursuant to this section, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect and duration of the noncompliance.

(4) (a) If an owner or operator disagrees with a board determination under subsection (3), the owner or operator may submit a written request for a hearing before the board.

(b) A written request for a hearing must be received by the board within 120 days after notice of the board's determination is served on the owner or operator by certified mail. The notice of determination must advise the owner or operator of the 120-day time limit for submitting a written request for a hearing to the board. Not less than 50 days or more than 60 days after the board serves the notice of determination, the board shall serve on the owner or operator a second notice by certified mail advising the owner or operator of the deadline for requesting a hearing. Service by certified mail is complete on the date shown on the certified mail receipt.

(c) If a written request is received within 120 days, the hearing must be held at a meeting of the board or as otherwise permitted under the Montana Administrative Procedure Act no later than 120 days following receipt of the request or at a time mutually agreed to by the board and the owner or operator.

(d) If a written request is not received within 120 days, the determination of the board is final.

(5) The board shall obligate money for reimbursement of eligible costs of owners and operators in the order that the costs are finally approved by the board.

(6) (a) The board may, at the request of an owner or operator, guarantee in writing the reimbursement of eligible costs that have been approved by the board but for which money is not currently available from the fund for reimbursement.

(b) The board may, at the request of an owner or operator, guarantee in writing reimbursement of eligible costs not yet approved by the board, including estimated costs not yet incurred. A guarantee for payment under this subsection (6)(b) does not affect the order in which money in the fund is obligated under subsection (5).

(c) When considering a request for a guarantee of payment, the board may require pertinent information or documentation from the owner or operator. The board may grant or deny, in whole or in part, any request for a guarantee."

Section 3. Section 75-11-312, MCA, is amended to read:

"**75-11-312. Review of corrective action plans and claims.** (1) To ensure that the fund provided for in 75-11-313 is being used in the most efficient manner, the board ~~may~~ *shall* implement a program of third-party review for corrective action plans and claims. The board may submit a corrective action plan or claim for review by a qualified third party of the board's choosing.

(2) If a third-party review suggests that a corrective action plan is inappropriate for the release, the board may remand the plan to the department for further review.

(3) If a third-party review suggests that submitted costs do not comply with the requirements of 75-11-309(3)(a), the board may deny the costs, subject to 75-11-309(4)."

Section 4. Section 75-11-318, MCA, is amended to read:

"**75-11-318. Powers and duties of board.** (1) The board shall administer the petroleum tank release cleanup fund in accordance with the provisions of this part, including the payment of reimbursement to owners and operators. The board may hire its own staff to assist in the implementation of this part.

(2) The board shall determine whether to approve reimbursement of eligible costs under the provisions of 75-11-309(3), shall obligate money from the fund for approved costs, and shall act on requests for the guarantee of payments through the procedures and criteria provided in 75-11-309.

(3) The board may conduct meetings, hold hearings, undertake legal action, and conduct other business that may be necessary to administer its responsibilities under this part. The board shall meet at least quarterly for the purpose of reviewing and approving claims for reimbursement from the fund and conducting other business as necessary.

(4) The board shall use the fund to pay for:

(a) department expenses incurred in providing assistance to the board. The board shall review and comment on all department administrative budget proposals that are assessed against the fund prior to submittal of the department budget for legislative approval. Department administrative expenses on behalf of the board may include:

(i) the review or preparation of corrective action plans;

(ii) the oversight of corrective action undertaken by owners and operators for the purposes of this part; and

(iii) the actual and necessary administrative support provided to the board.

(b) department of transportation staff expenses used for the collection of the petroleum storage tank cleanup fee;

(c) third-party review of corrective action plans or claims pursuant to 75-11-312;

(d) board staff expenses; and

(e) expenses of implementing the board's duties as provided in this part.

(5) The board shall adopt rules to administer this part, including:

(a) rules governing submission of claims by owners or operators to the department and board;

(b) procedures for determining owners or operators who are eligible for reimbursement and determining the validity of claims;

(c) procedures for the review and approval of corrective action plans;

(d) procedures for conducting board meetings, hearings, and other business necessary for the implementation of this part;

(e) the criteria and reimbursement rates applicable to those owners and operators who comply with a violation letter issued by the department; ~~and~~

(f) procedures for third-party review of corrective action plans or claims pursuant to 75-11-312; and

~~(f)~~*(g)* other rules necessary for the administration of this part.

(6) The board may apply for, accept, and repay loans from the board of investments pursuant to 17-6-225.

(7) The board shall conduct an analysis of the short-term and long-term viability of the fund and report its findings to the director of the department and the legislative auditor by July 1 prior to each regular legislative session. This analysis must include but is not limited to:

(a) trends in fund revenue and expenditure activity;

(b) exposure to long-term liabilities;

(c) impacts of changes in state and federal regulations relating to underground and aboveground storage tanks;

(d) availability of petroleum storage tank liability insurance in the private sector and trends in provisions of the insurance; and

(e) the continuing need for collection of all or part of the petroleum tank release cleanup fee."

Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 755

[SB 362]

AN ACT REVISING PROPERTY TAX REFUNDS; REVISING THE TIME LIMIT TO CLAIM A REFUND RESULTING FROM AN ERRONEOUS ASSESSMENT OF PROPERTY TAXES; AMENDING SECTIONS 15-8-601 AND 15-16-603, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-8-601, MCA, is amended to read:

"**15-8-601. Assessment revision -- conference for review.** (1) (a) Except as provided in subsection (1)(b), whenever the department discovers that any taxable property of any person has in any year escaped assessment, been erroneously assessed, or been omitted from taxation, the department may assess the property provided that the property is under the ownership or control of the same person who owned or controlled it at the time it escaped assessment, was erroneously assessed, or was omitted from taxation. All revised assessments must be made within 10 years after the end of the calendar year in which the original assessment was or should have been made*, unless the*

department determines a person was assessed an amount that was greater than the correct amount of the assessment. The time limit for a revised assessment that results in a refund to any person is determined pursuant to 15-16-603.

(b) Within the time limits set by 15-23-116, whenever the department discovers property subject to assessment under Title 15, chapter 23, that has escaped assessment, been erroneously assessed, or been omitted from taxation, the department may issue a revised assessment to the person, firm, or corporation who owned the property at the time it escaped assessment, was erroneously assessed, or was omitted from taxation, regardless of the ownership of the property at the time of the department's revised assessment.

(c) If an erroneous assessment is due to a calculation error by the department, the department shall revise the assessment of like properties that were also erroneously assessed using the same calculation.

(2) When the department proposes to revise the statement reported by the taxpayer under 15-8-301, the action of the department is subject to the notice and conference provisions of this section. Revised assessments of centrally assessed property and industrial property that is assessed annually by the department are subject to mediation pursuant to 15-1-212.

(3) (a) Notice of revised assessment pursuant to this section must be made by the department by postpaid letter addressed to the person interested within 10 days after the revised assessment has been made. If the property is locally assessed, the notice must include the opportunity for a conference on the matter, at the request of the person interested, within 30 days after notice is given.

(b) An assessment revision review conference is not a contested case as defined in the Montana Administrative Procedure Act. The department shall keep minutes in writing of each assessment revision review conference, and the minutes are public records.

(c) Following an assessment revision review conference or expiration of the opportunity for a conference, the department shall order an assessment that it considers proper. Any party to the conference aggrieved by the action of the department or a taxpayer who does not request a conference may appeal to the county tax appeal board within 30 days of receipt of the revised assessment or the department's assessment made pursuant to the conference.

(4) The department shall enter in the property tax record all changes and corrections made by it."

Section 2. Section 15-16-603, MCA, is amended to read:

"**15-16-603. Refund of taxes -- limitations on refunds.** (1) Subject to the provisions in subsections (2) and (3), a board of county commissioners shall order a refund:

(a) on a tax, penalty, interest, or cost paid more than once or erroneously or illegally collected if an appeal pursuant to 15-1-402 was not available;

(b) on a tax paid for which a refund is allowed under 15-16-612 or 15-16-613;

(c) on a tax, penalty, or interest collected as a result of an error in the description or location of real property or improvements or for duplicate taxes paid as determined by the department of revenue;

(d) on net or gross proceeds tax, centrally assessed property tax, penalty, or interest when the department of revenue notifies the board of county commissioners of an assessment revision completed pursuant to 15-8-601;

(e) upon entry of a decision either by the district court or by the Montana tax appeal board under 15-2-306 that has not been appealed to a higher court; or

(f) on a decision that a refund is payable as a result of a taxpayer prevailing in a motor vehicle tax or fee proceeding under 15-15-201.

(2) The taxpayer shall prove that a refund is due under subsection (1)(a) or (1)(b).

(3) (a) A refund may not be granted under subsection (1)(a) or (1)(b) unless the taxpayer or a representative of the taxpayer files a written claim with the board of county commissioners ~~within 10 years after the date when the second half of the taxes would have become delinquent if the taxes had not been paid~~ *within 10 years after the date when the second half of the taxes would have become delinquent if the taxes had not been paid, unless the refund is less than $10,000. There is a 15-year time limit for a written claim under this subsection (3)(a) if the amount of the refund is less than $10,000.*

~~(b) The refund required under subsection (1)(c) must be made for 5 tax years or for the duration of the error, whichever period is shorter.~~

~~(c)~~*(b) The refund required under subsection (1)(c) must be made for 10 tax years or for the duration of the error, whichever period is shorter.*

(c) A refund may not be made under subsection (1)(c) unless the taxpayer allowed the department of revenue access to the taxpayer's property for the purposes of appraising the property."

Section 3. Effective date. [This act] is effective July 1, 2023.

Section 4. Applicability. [This act] applies to requests for refunds received on or after [the effective date of this act].

Approved May 22, 2023

CHAPTER NO. 756

[SB 425]

AN ACT REVISING LAWS RELATED TO ADDICTION COUNSELORS; REVISING THE LICENSING REQUIREMENTS FOR AN ADDICTION COUNSELOR; AMENDING SECTION 37-35-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-35-202, MCA, is amended to read:

"**37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.** (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the board by rule and a written application on a form provided by the board that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by board rule.

(2) An applicant must meet one of the following degree requirements:

(a) a minimum of a baccalaureate or advanced degree from an accredited college or university in one of the following areas:

(i) alcohol and drug studies;

(ii) psychology;

(iii) sociology;

(iv) social work;

(v) counseling;

(vi) human services;

(vii) psychiatric rehabilitation; or

(viii) community health;

(b) a minimum of an associate of arts degree ~~or a certificate~~ from an accredited institution in one of the following areas:

(i) alcohol and drug studies;

(ii) addiction; or

(iii) substance abuse; or

(c) a minimum of a baccalaureate or advanced degree from an accredited college or university in any area. Either as part of that degree or taken as courses outside the degree from an accredited college or university, the applicant must have the following:

(i) six semester credits in human behavior, sociology, psychology or a similar emphasis;

(ii) three semester credits in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior; and

(iii) six semester credits in counseling. Three of these six credits must be in group counseling and three must be in the theory of counseling.

~~(d) if the person has not completed a degree listed in subsections (2)(a) through (2)(c), met the additional work experience requirements in an addiction treatment program set by the board by rule as equivalent and necessary to meet the provisions of (2)(a), (2)(b), or (2)(c).~~

(d) a minimum of an associate degree from an accredited institution in any area of instruction and a certificate from an accredited institution in one of the following areas:

(i) alcohol and drug studies;

(ii) addiction; or

(iii) substance abuse disorders.

(3) Prior to becoming eligible to begin the examination process, each applicant shall complete supervised work experience in:

(a) an addiction treatment program as defined by the board;

(b) a program approved by the board; or

(c) a similar program recognized under the laws of another state.

(4) Each applicant for licensure as a licensed addiction counselor shall successfully pass a written examination prescribed by the board. The board shall provide by rule how much experience counts for the examination.

(5) (a) A person who has completed the education required for licensure but who has not completed the supervised work experience required for licensure shall register as an addiction counselor license candidate in order to engage in addiction counseling and earn supervised work experience hours in this state.

(b) A person registered as an addiction counselor licensure candidate shall register annually until the person becomes a licensed addiction counselor. The board may limit the number of years that a person may act as an addiction counselor licensure candidate.

(c) A student is not required to register as an addiction counselor licensure candidate.

(6) (a) As a prerequisite to the issuance of a license and registration as an addiction counselor licensure candidate, the board shall require an applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307. The board may require a criminal background check of applicants and determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(b) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust and if the board determines that the applicant is not, the license may be denied.

(7) A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

(8) Individuals enrolled in a certificate program not connected to a degree program prior to January 31, 2023, must obtain the certificate prior to June

30, 2025, to be eligible for licensure and must meet all other requirements for licensure in effect prior to [the effective date of this act]."

Section 2. Coordination instruction. If both House Bill No. 137 and [this act] are passed and approved and if House Bill No. 137 repeals 37-35-202, then [section 1 of this act], amending 37-35-202, terminates September 30, 2023, and [section 12 of House Bill No. 137] must be amended as follows:

Section 12. Addiction counseling license required -- qualifications. (1) A person may not practice addiction counseling unless licensed under Title 37, chapter 1, and [sections 1 through 14].

(2) Except as provided in subsection (3), an applicant for licensure as an addiction counselor must have:

(a) a minimum of an associate ~~of arts~~ degree ~~or a certificate~~ from an accredited institution in one of the following areas:

(i) alcohol and drug studies;

(ii) addiction; ~~or~~

(iii) substance abuse; or

(b) a minimum of an associate degree from an accredited institution in any area of instruction and a certificate from an accredited program in areas specified in (2)(a)(i) through (2)(a)(ii);

~~(b)~~*(c)* a minimum of a baccalaureate or advanced degree from an accredited college or university in any area. Either as part of that degree or taken as courses outside the degree from an accredited college or university, the applicant must have the following:

(i) six semester credits in human behavior, sociology, psychology, or a similar emphasis;

(ii) six semester credits in psychopathology or coursework exploring patterns and courses of abnormal or deviant behavior;

(iii) three semester credits in group counseling; and

(iv) three semester credits in the theory of counseling;

~~(c)~~*(d)* completed supervised addiction counseling practice as defined by the board by rule; and

~~(d)~~*(e)* passed an approved examination. The board shall provide by rule how much experience counts for the examination.

(3) An applicant who has not completed the education requirements of subsection (2) may be licensed if the applicant meets the requirements established by the board by rule for additional work experience equivalent to the provisions of subsections (2)(a) ~~and (2)(b)~~ *through (2)(c).*

(4) The supervised addiction counseling practice required under subsection (2)(d) must be completed as provided in [section 9] and as prescribed by the board by rule.

(5) Individuals enrolled in a certificate program not connected to a degree program prior to January 31, 2023, must obtain the certificate prior to June 30, 2025, to be eligible for licensure and must meet all other requirements for licensure in effect prior to [the effective date of House Bill No. 137]."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 757

[SB 445]

AN ACT ALLOWING A PROFESSIONAL PERSON IN A CIVIL COMMITMENT PROCEEDING TO TESTIFY REMOTELY; AMENDING SECTION 53-21-126, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-21-126, MCA, is amended to read:

"**53-21-126. Trial or hearing on petition.** (1) The respondent must be present unless the respondent's presence has been waived as provided in 53-21-119(2), and the respondent must be represented by counsel at all stages of the trial. The trial must be limited to the determination of whether or not the respondent is suffering from a mental disorder and requires commitment. At the trial, the court shall consider all the facts relevant to the issues of whether the respondent is suffering from a mental disorder. If the court determines that the respondent is suffering from a mental disorder, the court shall then determine whether the respondent requires commitment. In determining whether the respondent requires commitment and the appropriate disposition under 53-21-127, the court shall consider the following:

(a) whether the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) whether the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) whether, because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; and

(d) whether the respondent's mental disorder, as demonstrated by the respondent's recent acts or omissions, will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(2) The standard of proof in a hearing held pursuant to this section is proof beyond a reasonable doubt with respect to any physical facts or evidence and clear and convincing evidence as to all other matters. However, the respondent's mental disorder must be proved to a reasonable medical certainty. Imminent threat of self-inflicted injury or injury to others must be proved by overt acts or omissions, sufficiently recent in time as to be material and relevant as to the respondent's present condition.

(3) The professional person appointed by the court must be present for the trial and subject to cross-examination. *The professional person's presence may be accomplished by the use of two-way electronic audio-video communication.* The trial is governed by the Montana Rules of Civil Procedure. However, if the issues are tried by a jury, at least two-thirds of the jurors shall concur on a finding that the respondent is suffering from a mental disorder and requires commitment. The written report of the professional person that indicates the professional person's diagnosis may be attached to the petition, but any matter otherwise inadmissible, such as hearsay matter, is not admissible merely because it is contained in the report. The court may order the trial closed to the public for the protection of the respondent.

(4) The professional person may testify as to the ultimate issue of whether the respondent is suffering from a mental disorder and requires commitment. This testimony is insufficient unless accompanied by evidence from the professional person or others that:

(a) the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; or

(d) (i) the respondent's mental disorder:

(A) has resulted in recent acts, omissions, or behaviors that create difficulty in protecting the respondent's life or health;

(B) is treatable, with a reasonable prospect of success;

(C) has resulted in the respondent's refusing or being unable to consent to voluntary admission for treatment; and

(ii) will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(5) The court, upon the showing of good cause and when it is in the best interests of the respondent, may order a change of venue.

(6) An individual with a primary diagnosis of a mental disorder who also has a co-occurring diagnosis of chemical dependency may satisfy criteria for commitment under this part."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 22, 2023

CHAPTER NO. 758

[SB 522]

AN ACT PROVIDING FOR THE DISTRIBUTION OF REVENUE FROM THE LODGING AND FACILITIES USE TAX TO PROVIDE GRANTS TO LODGING ESTABLISHMENTS THAT PROVIDE VICTIMS OF DOMESTIC VIOLENCE OR HUMAN TRAFFICKING WITH SHORT-TERM LODGING; CREATING AN EMERGENCY LODGING PROGRAM TO ASSIST VICTIMS OF DOMESTIC VIOLENCE OR HUMAN TRAFFICKING THAT IS ADMINISTERED BY THE DEPARTMENT OF JUSTICE; PROVIDING THAT A GRANT IS NOT SUBJECT TO STATE ACCOMMODATION TAXES; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121, 15-68-101, 17-7-502, AND 90-1-135, MCA; AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Emergency lodging program for victims of domestic violence or human trafficking -- grants -- rulemaking -- definitions. (1) There is an emergency lodging program for licensed establishments located in the state to assist designated organizations in providing short-term lodging in the state to individuals and families that are victims of domestic violence or human trafficking.

(2) (a) Subject to the provisions of this section, participating establishments may submit a grant application to the department of justice for providing emergency lodging to an individual or family who is in immediate need of shelter based on being a victim of domestic violence or human trafficking.

(b) In order to be eligible for the grant, the individual or family must be referred to the establishment by a designated organization.

(3) Grant funds for the program are provided from funding in the emergency lodging for victims of domestic violence or human trafficking state special revenue account provided for in [section 2]. The grant:

(a) is equal to the lesser of the average daily rate or the state rate for each night lodging was provided at no cost to the individual or the referring organization;

(b) is limited to a maximum of 5 nights' lodging for each individual or family for each calendar year;

(c) may be claimed only for lodging provided in the state; and

(d) is exempt from the lodging and facility use tax imposed by 15-65-111 or the sales tax and use tax on accommodations imposed by 15-68-102.

(4) Participating establishments may offer lodging based on availability of rooms.

(5) The department of justice shall maintain a registry of designated organizations and shall provide a list of approved organizations to establishments on request. The department of justice shall seek comment from appropriate statewide nonprofit organizations when developing and updating the registry.

(6) The grants provided in this section are subject to available funding and are not guaranteed. The grant does not apply to the costs of providing lodging to an individual who is displaced by a major disaster declared by the president under 42 U.S.C. 5170 or 5191 and who receives financial assistance for temporary housing under 42 U.S.C. 5174.

(7) The department of justice may adopt rules, prepare forms, and maintain records that are necessary to implement and administer this section.

(8) As used in this section, the following definitions apply:

(a) (i) "Average daily rate" means the total amount of lodging receipts received by the establishment during the night of the emergency stay without regard to local and state taxes received divided by the number of rooms the establishment received compensation for during the night of the emergency stay.

(ii) The term does not include grant money received pursuant to this section.

(b) "Designated organization" means a charitable organization or government entity approved by the department of justice to make referrals for emergency lodging.

(c) "Establishment" means a person or entity that makes sales of accommodations as defined in 15-68-101.

(d) "State rate" means the rate the state pays for state employees in travel status that is adopted by the department of administration.

Section 2. Emergency lodging for victims of domestic violence or human trafficking account. (1) There is an emergency lodging for victims of domestic violence or human trafficking account in the state special revenue fund. The account is administered by the department of justice.

(2) The revenue allocated to the account as provided in 15-65-121(2)(f) must be deposited in the account and distributed as provided in [section 1].

(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of justice to provide grants to licensed establishments that provide short-term lodging in the state to individuals and families that are victims of domestic violence or human trafficking pursuant to [section 1].

Section 3. Section 15-65-121, MCA, is amended to read:

"**15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that

account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(i)~~ *(2)(j)* of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, *to the emergency lodging for victims of domestic violence or human trafficking account,* to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) ~~60.3%~~ *60.2%* to be used directly by the department of commerce;

(f) 0.1% to the emergency lodging for victims of domestic violence or human trafficking account established in [section 2];

~~(f)~~*(g)* (i) except as provided in subsection ~~(2)(f)(ii)~~ *(2)(g)(ii)*, 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

~~(g)~~*(h)* 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

~~(h)~~*(i)* 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; and

~~(i)~~*(j)* 2.7% or $1 million, whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of

funds received pursuant to this subsection ~~(2)(i)~~ *(2)(j)* to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and ~~(2)(f)~~ *(2)(g)* are statutorily appropriated to the entities as provided in 17-7-502. *The tax proceeds received that are transferred to the emergency lodging for victims of domestic violence or human trafficking account pursuant to subsection (2)(f) are subject to the appropriation provisions in [section 2].*

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account pursuant to subsection ~~(2)(h)~~ *(2)(i)*, and to the Montana heritage preservation and development account pursuant to subsection ~~(2)(i)~~ *(2)(j)* are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L. 2021.)

15-65-121. (Effective July 1, 2027) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(h)~~ *(2)(i)* of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, *to the emergency lodging for victims of domestic violence or human trafficking account,* to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal

economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) ~~63%~~ *62.9%* to be used directly by the department of commerce;

(f) 0.1% to the emergency lodging for victims of domestic violence or human trafficking account established in [section 2].

~~(f)~~*(g)* (i) except as provided in subsection ~~(2)(f)(ii)~~ *(2)(g)(ii)*, 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

~~(g)~~*(h)* 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; and

~~(h)~~*(i)* 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and ~~(2)(f)~~ *(2)(g)* are statutorily appropriated to the entities as provided in 17-7-502. *The tax proceeds received that are transferred to the emergency lodging for victims of domestic violence or human trafficking account pursuant to subsection (2)(f) are subject to the appropriation provisions in [section 2].*

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant to subsection ~~(2)(h)~~ *(2)(i)* are subject to appropriation by the legislature."

Section 4. Section 15-68-101, MCA, is amended to read:

"**15-68-101. Definitions.** For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Accommodations" means short-term rentals or individual sleeping rooms, suites, camping spaces, or other units offered for overnight lodging periods of less than 30 days to the general public for compensation.

(b) Accommodations include units located in property represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, bed and breakfast facility, vacation home, home, apartment, timeshare, room, or rooms rented by or on behalf of the owner or seller.

(c) The term does not include:

(i) a health care facility, as defined in 50-5-101;

(ii) any facility owned by a corporation organized under Title 35, chapter 2 or 3;

(iii) a facility that is used primarily by persons under 18 years of age for camping purposes; or

(iv) rooms or spaces offered separately to the general public for nonlodging purposes, including meeting, conference, or banquet spaces.

(2) (a) "Base rental charge" means the following:

(i) charges for time of use of the rental vehicle and mileage, if applicable;

(ii) charges accepted by the renter for insurance;

(iii) charges for additional drivers or underage drivers; and

(iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the rental vehicle.

(b) The term does not include:

(i) rental vehicle price discounts allowed and taken;

(ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the privilege of operating as a concessionaire at an airport terminal building;

(iii) motor fuel;

(iv) intercity rental vehicle drop charges; or

(v) taxes imposed by the federal government or by state or local governments.

(3) (a) "Campground" means a place used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more.

(4) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of receiving direct or indirect benefit.

(5) (a) "Motor vehicle" means:

(i) a light vehicle as defined in 61-1-101;

(ii) a motorcycle as defined in 61-1-101;

(iii) a motor-driven cycle as defined in 61-1-101;

(iv) a quadricycle as defined in 61-1-101;

(v) a motorboat or a sailboat as defined in 23-2-502; or

(vi) an off-highway vehicle as defined in 23-2-801 that:

(A) is rented for a period of not more than 30 days;

(B) is rented without a driver, pilot, or operator; and

(C) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

(6) "Online hosting platform" means any person that provides an online application, software, website, or system through which a seller may advertise, rent, or furnish accommodations or rental vehicles and through which a purchaser may arrange for use of those accommodations or the use or lease of rental vehicles. Online hosting platforms include any online travel company or third-party reservation intermediary that facilitates the sale or use of accommodations or rental vehicles.

(7) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, online hosting platform, or any other legal entity.

(8) "Purchaser" means a person to whom a sale of accommodations or a rental vehicle is made or to whom a service is furnished.

(9) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

(10) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(11) *(a)* "Sale" or "selling" means the rental or use of accommodations or rental vehicles for consideration or the performance of a service for consideration.

(b) The term does not include providing accommodations to victims of domestic violence or human trafficking for grant money received pursuant to [section 1].

(12) (a) "Sales price" applies to the measure subject to the tax under Title 15, chapter 65, and this chapter and means the total amount paid by the purchaser in the form of consideration, including cash, credit, property, and services, for which sales of accommodations, rental vehicles, or services are provided, sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(iii) charges by the seller for any services necessary to complete the sale;

(iv) delivery charges; or

(v) installation charges.

(b) The amount received for charges listed in subsections (12)(a)(ii) through (12)(a)(v) are excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to the purchaser and the charge is not subject to subsection (12)(d).

(c) The term does not include:

(i) charges for meals, transportation, entertainment, or any other similar charges; or

(ii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(d) Unless specifically excluded, sales price includes any separate charge or fee that a purchaser must pay to facilitate the sale or rental of the accommodations or rental vehicle, including a fee or a service, commission, or other charge by an online hosting platform.

(13) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

(14) "Seller" means a person that makes sales of accommodations or rental vehicles, including an online hosting platform.

(15) (a) "Service" means an activity that is engaged in for another person for consideration and that is distinguished from the sale or lease of accommodations or rental vehicles. Service includes activities performed by an online hosting platform.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(16) "Short-term rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, timeshare, or owner-occupied residential home that is offered for a fee for 30 days or less.

(17) "Short-term rental marketplace" means a person that provides a platform through which a seller or the authorized agent of the seller offers a short-term rental to an occupant.

(18) "Timeshare" means any facility for which multiple parties or individuals own a right to use the facility for lodging purposes, and these parties or individuals do not hold claim to ownership of the physical property."

Section 5. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; *[section 2];* 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws

of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 6. Section 90-1-135, MCA, is amended to read:

"**90-1-135. Special revenue accounts.** (1) There is a state special revenue account in the state treasury for the receipt of state and private funds and a federal special revenue account in the state treasury for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

(2) Money in the state special revenue account from proceeds distributed under 15-65-121~~(2)(g)~~*(2)(h)* is to be used for activities for the Indian tourism region, defined in 15-65-101.

(3) Except as provided in subsection (2), money in the accounts established in subsection (1) must be used to pay:

(a) the commission's administrative costs;

(b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the federal grants coordinator; and

(c) the costs of conducting or commissioning and periodically updating or otherwise modifying a comprehensive assessment of economic development needs and priorities on each of the Indian reservations in the state.

(4) Money in the accounts that is not expended for the purposes identified in subsection (2) or (3) may be used for other purposes that the commission considers prudent or necessary.

(5) Interest and income earned on the money in the accounts must be deposited in the accounts for the commission's use."

Section 7. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 44, chapter 4, part 15, and the provisions of Title 44, chapter 4, part 15, apply to [sections 1 and 2].

Section 8. Effective date. [This act] is effective July 1, 2023.

Section 9. Applicability. [This act] applies to sales of accommodations or campgrounds that occur on or after [the effective date of this act] and to the use of accommodations or campgrounds on or after [the effective date of this act], even if the sale occurred before [the effective date of this act].

Section 10. Termination. [Sections 1 through 6] terminate June 30, 2027.

Approved May 22, 2023

CHAPTER NO. 759

[SB 561]

AN ACT PROVIDING FOR THE PERMITTING OF VETERINARY RETAIL FACILITIES; PROVIDING FOR THE REGISTRATION OF VETERINARY DISPENSING TECHNICIANS; PROVIDING FOR CONTINUING EDUCATION REQUIREMENTS; PROVIDING DEFINITIONS; PROVIDING FOR AN APPLICATION AND PERMIT RENEWAL FEES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-7-103, 37-18-104, 50-32-401, AND 80-8-207, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 8], unless the context requires otherwise, the following definitions apply:

(1) "Extralabel use" means the use of an approved drug in a manner that is not in accordance with the approved label directions.

(2) "Veterinary dispensing technician" means a nonpharmacist registered by the board of veterinary medicine to dispense veterinary prescription drugs in a veterinary retail facility.

(3) "Veterinary prescription drugs" means drugs that are to be used or prescribed by a veterinarian licensed pursuant to 37-18-301 to a client who is the owner or caretaker of the animal in need of treatment. Veterinary prescription drugs are those drugs restricted by federal law to use by or on the order of a licensed veterinarian.

(4) "Veterinary retail facility" means an establishment registered by the board of pharmacy employing a registered veterinary dispensing technician authorized to dispense veterinary prescription drugs pursuant to bona fide orders of licensed veterinarians.

Section 2. Exemptions. The provisions of [sections 1 through 8] do not apply to:

(1) a veterinarian, a veterinary technician, or a veterinarian's practice; or

(2) a pharmacist, a pharmacy technician, or a pharmacy.

Section 3. Veterinary retail facility -- license required. (1) A person, partnership, association, corporation, or limited liability company may not open, establish, operate, maintain, or do business as a veterinary retail facility without first obtaining a license from the board of pharmacy.

(2) The board of pharmacy shall prescribe the license application form.

(3) An application or renewal application must be accompanied by a fee set by board rule.

(4) A license must be renewed annually.

(5) Separate applications and separate permits are required for each veterinary retail facility opened, established, operated, or maintained by the same owner and for a change of location, name, or ownership of an existing veterinary retail facility.

(6) The board may adopt rules to implement this section.

Section 4. Standards of veterinary retail facilities. (1) Veterinary prescription drugs dispensed by a veterinary retail facility pursuant to a licensed veterinarian's prescription must be dispensed by a veterinary dispensing technician and are for use on livestock only, as defined in 81-2-702.

(2) An employee of a veterinary retail facility, including a veterinary dispensing technician, may not:

(a) dispense controlled substances;

(b) compound veterinary prescription drugs for the dispensing of a prescription;

(c) repackage veterinary prescription drugs for the dispensing of a prescription, except that a veterinary dispensing technician may break down case lots of veterinary prescription drugs if the seals on the individual containers are not broken;

(d) open a container and count out or measure out any quantity of a veterinary prescription drug; or

(e) dispense medication for extralabel use.

Section 5. Veterinary dispensing technicians -- educational requirements. A veterinary retail facility may employ a veterinary dispensing technician who shall successfully complete:

(1) an academic program approved by the board of veterinary medicine; or

(2) a certification program approved by the board of veterinary medicine.

Section 6. Veterinary dispensing technicians -- registration requirements. (1) A veterinary dispensing technician shall register with the board of veterinary medicine on an annual basis.

(2) The current veterinary dispensing technician license must be conspicuously displayed and in the veterinary retail facility where the veterinary dispensing technician is employed.

(3) A veterinary dispensing technician shall wear a name badge while in the veterinary retail facility that clearly identifies the person as a veterinary dispensing technician.

(4) A veterinary dispensing technician shall inform the board of a change in address or place of employment within 15 days after the change. The board shall subsequently adjust the board's records.

(5) The board may adopt rules to implement this section.

Section 7. Penalties for violations. A person, partnership, association, corporation, or limited liability company violating the provisions of [sections 1 through 8] is guilty of a misdemeanor. On conviction for any violation of [sections 1 through 8], the board may revoke a permit or registration issued pursuant to [sections 1 through 8] or issue other disciplinary action pursuant to 37-1-136.

Section 8. Section 37-7-103, MCA, is amended to read:

"**37-7-103. Exemptions.** Subject ~~only~~ to 37-2-104, 37-7-401, and 37-7-402, *and except as provided in [sections 1 through 8],* this chapter does not:

(1) subject a medical practitioner, as defined in 37-2-101, or a person who is licensed in this state to practice veterinary medicine to inspection by the board, prevent the person from compounding or using drugs, medicines, chemicals, or poisons in the person's practice, or prevent a medical practitioner from furnishing to a patient drugs, medicines, chemicals, or poisons that the person considers proper in the treatment of the patient;

(2) prevent the sale of drugs, medicines, chemicals, or poisons at wholesale;

(3) prevent the sale of drugs, chemicals, or poisons at either wholesale or retail for use for commercial purposes or in the arts;

(4) change any of the provisions of this code relating to the sale of insecticides and fungicides;

(5) prevent the sale of common household preparations and other drugs if the stores selling them are licensed under the terms of this chapter;

(6) apply to or interfere with manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature for use for nonmedicinal purposes;

(7) prevent a registered nurse employed by a family planning clinic under contract with the department of public health and human services from dispensing factory prepackaged contraceptives, other than mifepristone, if the dispensing is in accordance with a physician's written protocol specifying the circumstances under which dispensing is appropriate and is in accordance with the board's requirements for labeling, storage, and recordkeeping of drugs; or

(8) prevent a certified agency from possessing, or a certified euthanasia technician or support personnel under the supervision of the employing veterinarian from administering, any controlled substance authorized by the board of veterinary medicine for the purpose of euthanasia pursuant to Title 37, chapter 18, part 6."

Section 9. Section 37-18-104, MCA, is amended to read:

"**37-18-104. (Temporary) Exemptions -- rules.** (1) This chapter does not apply to:

(a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a private capacity;

(b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the employ of this state or the United States and engaged in labors in laboratories under the direct supervision of the board of livestock, Montana state university-Bozeman, or the United States;

(c) a veterinarian practicing in another state or country and authorized under the laws of that state or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term is defined in board rule;

(d) the employment of a veterinary medical student who has successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association, if the student is employed by and works under the immediate supervision of a veterinarian licensed and registered under this chapter; ~~or~~

(e) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices*; or*

(f) a veterinary dispensing technician who is registered and subject to [sections 1 through 8].

(2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine are not the practice of veterinary medicine within the meaning of this chapter.

(3) Nonsurgical embryo transfers in bovines may be performed under the supervision of a veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers in bovines must address:

(a) minimum education requirements;

(b) minimum requirements of practical experience;

(c) continuing education requirements;

(d) limitations on practices and procedures that may be performed by certified individuals;

(e) the use of specific drugs necessary for safe and proper practice of certified procedures;

(f) content and administration of the certification test, including written and practical testing;

(g) application and reexamination procedures; and

(h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

(4) This chapter does not prohibit a person from caring for and treating the person's own farm animals or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601, employed in the conduct of the person's business or by other persons whose services are rendered gratuitously in case of emergency.

(5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered pharmacist at the pharmacist's regular place of business.

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the supervision of the employing veterinarian.

(7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this subsection include activities determined by board rule to be acceptable but do not include the performance of surgery or the rendering of diagnoses.

(8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia pursuant to part 6 of this chapter.

37-18-104. (Effective January 1, 2023) Exemptions -- rules. (1) This chapter does not apply to:

(a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a private capacity;

(b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the employ of this state or the United States and engaged in labors in laboratories under the direct supervision of the board of livestock, Montana state university-Bozeman, or the United States;

(c) a veterinarian practicing in another state or country and authorized under the laws of that state or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term is defined in board rule. The board may, by rule, define conditions in which a veterinary technician licensed or registered in another state may engage in occasional veterinary technician tasks in this state, as provided in 37-18-702.

(d) the employment of a veterinary medical student who has successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association, if the student is employed by and works under the immediate supervision of a veterinarian licensed and registered under this chapter; ~~or~~

(e) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices*; or*

(f) a veterinary dispensing technician who is registered and subject to [sections 1 through 8].

(2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine are not the practice of veterinary medicine within the meaning of this chapter.

(3) Nonsurgical embryo transfers in bovines may be performed under the indirect supervision of a veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers in bovines must address:

(a) minimum education requirements;

(b) minimum requirements of practical experience;

(c) continuing education requirements;

(d) limitations on practices and procedures that may be performed by certified individuals;

(e) the use of specific drugs necessary for safe and proper practice of certified procedures;

(f) content and administration of the certification test, including written and practical testing;

(g) application and reexamination procedures; and

(h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

(4) This chapter does not prohibit a person from caring for and treating the person's own farm animals or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601, employed in the conduct of the person's business or by other persons whose services are rendered gratuitously in case of emergency.

(5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered pharmacist at the pharmacist's regular place of business.

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the direct, immediate, or indirect supervision of the employing veterinarian. The board shall adopt rules regarding which veterinary practices may be performed under direct, immediate, or indirect supervision by a licensed veterinary technician.

(7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this subsection include activities determined by board rule to be acceptable but do not include the performance of surgery or the rendering of diagnoses.

(8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia pursuant to part 6 of this chapter."

Section 10. Section 50-32-401, MCA, is amended to read:

"**50-32-401. Report required for precursor to controlled substance.** (1) A manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to a person in this state shall submit a report to the department of justice detailing all transactions:

(a) phenyl-2-propanone;

(b) methylamine;

(c) d-lysergic acid;

(d) ergotamine tartrate;

(e) diethyl malonate;

(f) malonic acid;
(g) ethyl malonate;
(h) barbituric acid; and
(i) piperidine.

(2) The department of justice may adopt, amend, or repeal rules in accordance with the Montana Administrative Procedure Act that add or delete substances on the list of regulated substances in subsection (1) if the substance is a precursor to a dangerous drug as defined in 50-32-101.

(3) This section does not apply to any of the following:

(a) a pharmacist*, veterinary dispensing technician,* or other authorized person who sells or furnishes the substance upon the prescription of a physician, dentist, podiatrist, or veterinarian;

(b) a physician, dentist, podiatrist, or veterinarian who administers or furnishes the substance to patients;

(c) a manufacturer or wholesaler licensed by the board of pharmacy who sells, transfers, or otherwise furnishes the substance to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian;

(d) transfers of the substances listed in subsection (1) within any college or university to an employee or student of the college or university for the purpose of teaching or research authorized by the college or university."

Section 11. Section 80-8-207, MCA, is amended to read:

"**80-8-207. Dealers.** (1) A person may not sell, offer for sale, deliver, or have delivered within the state a pesticide without first obtaining a license from the department for each calendar year or portion of a year. A separate dealer's license and fee is required for each location or outlet from which pesticides are distributed, sold, held for sale, or offered for sale. Pesticide field personnel or salespeople employed directly out of the same location or outlet and under a licensed dealer are not required to obtain a license. The dealer shall furnish the department with the names and addresses of the dealer's field personnel and salespeople selling pesticides within the state.

(2) The department shall require an applicant for a dealer's license to show, upon written examination, that the person possesses adequate knowledge related to the responsibilities of a pesticide dealer. Licensed dealers are not required to repeat an examination to renew their license provided they have earned the required recertification credits for renewal of that license.

(3) The application for a license must be accompanied by a fee of $75. A dealer applying for renewal of a license shall apply on or before March 1 of the calendar year. A dealer applying for renewal of a license after March 1 must be assessed a $25 late licensing fee.

(4) The dealer shall require the purchaser of a restricted pesticide to exhibit the purchaser's license or permit issued under authority of this chapter, or the dealer may verify, under procedures authorized by the department, the purchaser's license or permit through a department list or by electronic means before completing a sale. The department may adopt rules concerning dealer verification of licenses and permits.

(5) The department shall assess an additional annual license fee of $10 on dealers to fund the waste pesticide and pesticide container collection, disposal, and recycling program. The department may by rule adjust the disposal fee to maintain adequate funding for the administration of the waste pesticide and pesticide container collection, disposal, and recycling program. The fee may not be less than $10 a year or more than $15 a year. Fees collected under this subsection must be deposited in an account in the state special revenue fund pursuant to 80-8-112.

(6) Pharmacists licensed as provided for in 37-7-302, veterinarians licensed as provided for in 37-18-302, *veterinary dispensing technicians registered as provided in [section 6],* and certified pharmacies licensed under 37-7-321 are not required to be licensed to sell pesticides if the certified pharmacies and veterinarians register with the department each year. However, the certified pharmacies and veterinarians must meet all other requirements concerning the commercial sale of pesticides. The department shall take into account the professional licensing requirements of pharmacists, certified pharmacies, and veterinarians when adopting rules."

Section 12. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 through 8].

Section 13. Effective date. [This act] is effective July 1, 2023.

Approved May 22, 2023

CHAPTER NO. 760

[HB 190]

AN ACT GENERALLY REVISING LAWS RELATED TO PROVIDING FOR A STRATEGIC PLANNING PROCESS FOR CERTAIN GOVERNMENT ENTITIES; REQUIRING DEPARTMENTS TO PRODUCE ANNUAL PLANS; EXEMPTING CERTAIN DEPARTMENTS FROM CERTAIN BUDGET PLANNING PROCESS REQUIREMENTS; REQUIRING THAT ONLY EXISTING RESOURCES MAY BE USED TO IMPLEMENT THE ACT; PROVIDING DIRECTIONS TO THE CODE COMMISSIONER; AMENDING SECTIONS 2-4-102 AND 17-7-111, MCA; REPEALING SECTIONS 2-15-2221, 2-15-2222, 2-15-2223, 2-15-2224, 2-15-2225, AND 2-15-2226, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 6] may be cited as the "State Measurement for Accountable, Responsive, and Transparent Government (SMART) Act".

Section 2. Declaration of policy and purpose. It is the public policy of this state to provide for an annual planning process for state government that results in the development of initiatives and performance measures for each department's divisions to facilitate efficient, transparent, accountable, and responsive government service.

(2) The purpose of [sections 1 through 6] is to ensure the development of executive branch annual plans to provide transparency to policymakers, stakeholders, and the public with regard to departments' initiatives. The annual plans will be guided and evaluated by performance measures designed to assess how well each department has performed with respect to its initiatives.

Section 3. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Annual performance report" means a written annual review and assessment of the outcomes and outputs of a department as compared to its established annual plan and performance measures.

(2) "Annual plan" means a written plan prepared to guide the ongoing and proposed activities of a department by setting out initiatives, aspirational goals, outcomes, and outputs that the department intends to accomplish, and performance measures to facilitate program evaluations.

(3) "Department" means each entity listed in 2-15-104(1)(a) through (1)(p), the office of the secretary of state, the office of the state auditor, and the office of public instruction.

(4) "Division" has the meaning provided in 2-15-104.

(5) "Initiative" means a specific goal, objective, or target related to a performance measure that is adopted by a department.

(6) "Outcomes" means a quantification of the public benefit for Montanans derived from actions by a department.

(7) "Outputs" means a quantification of the number of services that a department produces for Montanans.

(8) "Performance measure" means a metric or measurement that is designed to help guide government by assessing what a department aspires to achieve pursuant to its annual plan with respect to the outcomes and outputs of its programs.

Section 4. Annual plan. (1) Each department shall produce an annual plan no later than September 1, 2023.

(2) Each department shall publish a subsequent annual plan no later than September 1 every 2 years afterward.

(3) At a minimum, an annual plan must include the following components:

(a) a description of the functions and divisions of the department, including a discussion of the department's priorities;

(b) initiatives of the department that reflect the benefits and outcomes the department expects to achieve on behalf of the public or specific groups through its divisions; and

(c) specific and measurable performance measures for its initiatives, including the preferred outcomes and outputs with respect to each initiative.

(4) Performance measures must:

(a) be tracked on an ongoing basis;

(b) assess a department's preferred outcomes and outputs;

(c) be quantitative when possible; and

(d) be designed to provide meaningful and useful information to policymakers and the public.

(5) The annual plan adopted by a department must be posted on the websites of the department.

Section 5. Annual performance report. (1) No later than December 1, 2024, and no later than October 1 of each year afterward, each department shall produce an annual performance report for the fiscal year that concluded in the same year and distribute it as provided in subsections (3) and (4).

(2) The annual performance report must focus on measuring outcomes and outputs with respect to the performance measures.

(3) An annual performance report of a department must be posted on the website of the department.

(4) In accordance with 5-11-210, the annual performance report of each department must be provided to the interim budget committee with oversight responsibility for the department pursuant to 5-12-501 and the appropriate legislative policy interim committee provided for in Title 5, chapter 5, part 2.

Section 6. Fiscal impact. A department may use only existing resources to implement the provisions of [sections 1 through 5].

Section 7. Section 2-4-102, MCA, is amended to read:

"**2-4-102. Definitions.** For purposes of this chapter, the following definitions apply:

(1) "Administrative rule review committee" or "committee" means the appropriate committee assigned subject matter jurisdiction in Title 5, chapter 5, part 2.

(2) (a) "Agency" means an agency, as defined in 2-3-102, of state government, except that the provisions of this chapter do not apply to the following:

(i) the state board of pardons and parole, which is exempt from the contested case and judicial review of contested cases provisions contained in this chapter. However, the board is subject to the remainder of the provisions of this chapter.

(ii) the supervision and administration of a penal institution with regard to the institutional supervision, custody, control, care, or treatment of youth or prisoners;

(iii) the board of regents and the Montana university system;

(iv) the financing, construction, and maintenance of public works;

(v) the public service commission when conducting arbitration proceedings pursuant to 47 U.S.C. 252 and 69-3-837.

(b) The term does not include a school district, a unit of local government, or any other political subdivision of the state.

(3) "ARM" means the Administrative Rules of Montana.

(4) "Contested case" means a proceeding before an agency in which a determination of legal rights, duties, or privileges of a party is required by law to be made after an opportunity for hearing. The term includes but is not restricted to ratemaking, price fixing, and licensing.

(5) (a) "Interested person" means a person who has expressed to the agency an interest concerning agency actions under this chapter and has requested to be placed on the agency's list of interested persons as to matters of which the person desires to be given notice.

(b) The term does not extend to contested cases.

(6) "License" includes the whole or part of an agency permit, certificate, approval, registration, charter, or other form of permission required by law but does not include a license required solely for revenue purposes.

(7) "Licensing" includes an agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license.

(8) "Party" means a person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party, but this chapter may not be construed to prevent an agency from admitting any person as a party for limited purposes.

(9) "Person" means an individual, partnership, corporation, association, governmental subdivision, agency, or public organization of any character.

(10) "Register" means the Montana Administrative Register.

(11) (a) "Rule" means each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency. The term includes the amendment or repeal of a prior rule.

(b) The term does not include:

(i) statements concerning only the internal management of an agency or state government and not affecting private rights or procedures available to the public, including rules implementing the state personnel classification plan, the state wage and salary plan, or the statewide accounting, budgeting, and human resource system;

(ii) formal opinions of the attorney general and declaratory rulings issued pursuant to 2-4-501;

(iii) rules relating to the use of public works, facilities, streets, and highways when the substance of the rules is indicated to the public by means of signs or signals;

(iv) seasonal rules adopted annually or biennially relating to hunting, fishing, and trapping when there is a statutory requirement for the publication

of the rules and rules adopted annually or biennially relating to the seasonal recreational use of lands and waters owned or controlled by the state when the substance of the rules is indicated to the public by means of signs or signals;

(v) uniform rules adopted pursuant to interstate compact, except that the rules must be filed in accordance with 2-4-306 and must be published in the ARM; ~~or~~

(vi) game parameters approved by the state lottery commission relating to a specific lottery game. This subsection (11)(b)(vi) does not exempt generally applicable policies governing the state lottery that are otherwise subject to the Montana Administrative Procedure Act*; or*

(vii) annual plan documents governed by [sections 1 through 6] and published as provided in [sections 1 through 6].

(12) (a) "Significant interest to the public" means agency actions under this chapter regarding matters that the agency knows to be of widespread citizen interest. These matters include issues involving a substantial fiscal impact to or controversy involving a particular class or group of individuals.

(b) The term does not extend to contested cases.

(13) "Small business" means a business entity, including its affiliates, that is independently owned and operated and that employs fewer than 50 full-time employees.

(14) "Substantive rules" are either:

(a) legislative rules, which if adopted in accordance with this chapter and under expressly delegated authority to promulgate rules to implement a statute have the force of law and when not so adopted are invalid; or

(b) adjective or interpretive rules, which may be adopted in accordance with this chapter and under express or implied authority to codify an interpretation of a statute. The interpretation lacks the force of law.

(15) "Supplemental notice" means a notice that amends the proposed rules or changes the timeline for public participation."

Section 8. Section 17-7-111, MCA, is amended to read:

"**17-7-111. Preparation of state budget -- agency program budgets -- form distribution and contents.** (1) (a) To prepare a state budget, the executive branch, the legislature, and the citizens of the state need information that is consistent and accurate. Necessary information includes detailed disbursements by fund type for each agency and program for the appropriate time period, recommendations for creating a balanced budget, and recommended disbursements and estimated receipts by fund type and fund category.

(b) Subject to the requirements of this chapter, the budget director and the legislative fiscal analyst shall by agreement:

(i) establish necessary standards, formats, and other matters necessary to share information between the agencies and to ensure that information is consistent and accurate for the preparation of the state's budget; and

(ii) provide for the collection and provision of budgetary and financial information that is in addition to or different from the information otherwise required to be provided pursuant to this section.

(2) In the preparation of a state budget, the budget director shall, not later than the date specified in 17-7-112(1), distribute to all agencies the proper forms and instructions necessary for the preparation of budget estimates by the budget director. These forms must be prescribed by the budget director to procure the information required by subsection (3). The forms must be submitted to the budget director by the date provided in 17-7-112(2), or the agency's budget is subject to preparation based upon estimates as provided in

17-7-112(5). The budget director may refuse to accept forms that do not comply with the provisions of this section or the instructions given for completing the forms.

(3) The agency budget request must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The plan must consist of:

(a) a consolidated agency budget summary of funds subject to appropriation, as provided in 17-8-101, for the current base budget expenditures, including statutory appropriations, and for each present law adjustment and new proposal request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget, showing a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last-completed fiscal year and the fiscal year in progress;

(b) a schedule of the actual and projected receipts, disbursements, and solvency of each fund for the current biennium and estimated for the subsequent biennium;

(c) a statement of the agency mission and a statement of goals and objectives for each program of the agency. The goals and objectives must include, in a concise form, sufficient specific information and quantifiable information to enable the legislature to formulate an appropriations policy regarding the agency and its programs and to allow a determination, at some future date, on whether the agency has succeeded in attaining its goals and objectives. *An agency that has complied with the requirements provided in [sections 1 through 6] is exempt from the provision of this subsection (3)(c).*

(d) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program;

(e) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the agency's recommendations for the ensuing biennium, by disbursement category;

(f) for agencies with more than 20 FTE, a plan to reduce the proposed base budget for the general appropriations act and the proposed state pay plan to 95% of the current base budget or lower if directed by the budget director. Each agency plan must include base budget reductions that reflect the required percentage reduction by fund type for the general fund and state special revenue fund types. Exempt from the calculations of the 5% target amounts are legislative audit costs, administratively attached entities that hire their own staff under 2-15-121, and state special revenue accounts that do not transfer their investment earnings or fund balances to the general fund. The plan must include:

(i) a prioritized list of services that would be eliminated or reduced;

(ii) for each service included in the prioritized list, the savings that would result from the elimination or reduction; and

(iii) the consequences or impacts of the proposed elimination or reduction of each service.

(g) a reference for each new information technology proposal stating whether the new proposal is included in the approved agency information technology plan as required in 2-17-523;

(h) energy cost saving information as required by 90-4-616; and

(i) other information the budget director feels is necessary for the preparation of a budget.

(4) The budget director shall prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for capital developments for:

(i) local infrastructure projects;

(ii) funding for energy development-impacted areas; and

(iii) the state long-range building program. Each recommendation for the capital developments long-range building program must be presented by institution, agency, or branch, by funding source, with a description of each proposed project.

(b) a statewide project budget summary as provided in 2-17-526;

(c) the proposed pay plan schedule for all executive branch employees at the program level by fund, with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401.

(d) agency proposals for the use of cultural and aesthetic project grants under Title 22, chapter 2, part 3, the renewable resource grant and loan program under Title 85, chapter 1, part 6, the reclamation and development grants program under Title 90, chapter 2, part 11, and the Montana coal endowment program under Title 90, chapter 6, part 7.

(5) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (5). The report must include the following information for each year of the biennium, contrasted with the same information for the last-completed fiscal year and the fiscal year in progress:

(a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;

(b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and

(c) a schedule showing the total funds available from each bond indenture and its associated accounts, with a list of commitments and planned expenditures from the accounts, itemized by revenue source and project for each year of the current and ensuing bienniums.

(6) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the budget director when the values on the requested return, including estimated payments, are considered necessary by the budget director to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed.

(7) The following provisions apply to the development of the budget request for the department of public health and human services:

(a) Adjustments to the present law base must be separated by each category described in 17-7-102(10) in order for the legislature to determine the changes that are attributable to legally mandated workload, caseload, or enrollment increases or decreases, constitutional or statutory schedules or formulas, inflationary or deflationary adjustments, and elimination of nonrecurring appropriations.

(b) Inflation adjustments to the present law base for the institutions or services described in subsection (7)(c) must be based on a reliable national index for the particular service or a similar service or the consumer price index for urban wage earners and workers. An inflation adjustment that is greater than the applicable national index or consumer price index must be presented as a new proposal.

(c) Subsection (7)(b) applies to inflation adjustments for:

(i) the department-operated institutions described in 53-1-602; and

(ii) services provided by private sector businesses and other entities that provide direct services to beneficiaries in medicaid programs that are administered by the department divisions responsible for overseeing services for the elderly and for persons with mental illness, physical disabilities, or developmental disabilities."

Section 9. Repealer. The following sections of the Montana Code Annotated are repealed:

2-15-2221. Definitions.
2-15-2222. Policy -- performance measures.
2-15-2223. Criteria for measurement system.
2-15-2224. System requirements -- input from legislative audit division.
2-15-2225. Legislative use of performance measures.
2-15-2226. Department and agency use of performance measures.

Section 10. Directions to code commissioner. If [this act] is passed and approved, then the code commissioner is directed to strike the reference in 5-11-222(3)(c)(i) to performance data required by 2-15-2225.

Section 11. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 2, and the provisions of Title 2 apply to [sections 1 through 6].

Section 12. Effective date. [This act] is effective on passage and approval.

Approved May 18, 2023

CHAPTER NO. 761

[HB 821]

AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF AGRICULTURE FOR GRANTS TO ASSIST YELLOWSTONE, MUSSELSHELL, AND STILLWATER COUNTIES TO COMBAT SALTCEDAR, RUSSIAN OLIVE, AND COMMON BUCKTHORN SPECIES; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Appropriation. (1) There is appropriated $250,000 from the general fund to the department of agriculture for one time only for the biennium beginning July 1, 2023, for the purpose of providing grants as outlined in subsection (2).

(2) By August 1, 2023, the department of agriculture shall provide grants to the appropriate local entities of Yellowstone, Musselshell, and Stillwater Counties for the purpose of managing and controlling existing infestations of saltcedar, Russian olive, and common buckthorn species within these three counties. An application for the grant must be submitted to the department and grants must be awarded to applicants with the best opportunity for successfully controlling the identified woody invasive species. The department

shall use the same standards set forth in Title 4, chapter 5, subchapter 1, ARM, for these grants.

Section 2. Effective date. [This act] is effective July 1, 2023.

Approved May 23, 2023

CHAPTER NO. 762

[HB 856]

AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE EXECUTIVE BRANCH SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS; PROVIDING THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE CUSTODIAL AND MAINTENANCE SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO SUBMIT ANY UPDATED LONG-RANGE MASTER PLAN TO THE LEGISLATIVE COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO PREINTRODUCE A JOINT RESOLUTION TO CONSENT OR NOT CONSENT TO AN UPDATED LONG-RANGE MASTER PLAN; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN THAT IS INTEGRATED INTO THE CAPITOL MASTER PLAN; REQUIRING THE DEPARTMENT TO PROVIDE NECESSARY PERSONNEL AND RESOURCES TO ASSIST THE LEGISLATIVE COUNCIL IN DEVELOPING THE LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN; PROVIDING FOR THE RENOVATION, REPLACEMENT, OR CONSTRUCTION OF COMPLEX FACILITIES FOR STATE WORKFORCE DEVELOPMENT AND LEGISLATIVE SPACE; ESTABLISHING CAPITOL COMPLEX LONG-RANGE CAPITAL PROJECTS STATE SPECIAL REVENUE ACCOUNTS FOR THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH; PROVIDING FOR ELIGIBLE USES OF THE FUND; PROVIDING FOR TRANSFER FROM THE GENERAL FUND TO THE ACCOUNTS; PROVIDING APPROPRIATIONS; PROVIDING LEGISLATIVE CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-17-806, AND 2-17-811, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-17-101, MCA, is amended to read:

"**2-17-101. (Temporary) Allocation of space -- leasing -- definition.** (1) The department of administration shall determine the space required by state agencies other than the *legislature and the legislative space designated in*

2-17-108, [section 3], and 2-17-802 and the university system and shall allocate space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively allocate space, the department shall identify the amount, location, and nature of space used by each agency, including summary information on average cost per square foot for each municipality, and report this to the office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-numbered year. The report must be provided in an electronic format. The department of administration shall provide a copy of the report to the legislature in accordance with 5-11-210.

(2) An agency requiring additional space shall notify the department. The department, in consultation with the agency, shall determine the amount and nature of the space needed and locate space within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the agency's requirements. If space is not available in a building owned or leased by the state, the department shall locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with another agency. A state agency may not lease, rent, or purchase real property without prior approval of the department.

(3)~~—(a)~~ The location of the chambers for the house of representatives must be determined in the sole discretion of the house of representatives. The location of the chambers for the senate must be determined in the sole discretion of the senate.

~~(b) Subject to 2-17-108, the department, with the advice of the legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.~~

(4) The department shall consolidate the offices of state agencies in a single, central location within a municipality whenever the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement services division and motor vehicle division of the department of justice are exempted from consolidation.

(5) Any lease for more than 45,000 square feet or for a term of more than 20 years must be submitted as part of the long-range building program and approved by the legislature before the department of administration may proceed with the lease. Multiple leases in the same building entered into within any 60-day period are to be aggregated for purposes of this threshold calculation. When immediate relocation of agency employees is required due to a public exigency, the requirements of this subsection do not apply, but the new lease must be reported as required by subsection (1).

(6) The department shall include language in every lease providing that if funds are not appropriated or otherwise made available to support continued performance of the lease in subsequent fiscal periods, the lease must be canceled.

(7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state employees is uninhabitable due to immediate conditions that adversely impact the health or safety of the occupants of the facility. (Terminates June 30, 2023--sec. 3, Ch. 401, L. 2019.)

2-17-101. (Effective July 1, 2023) Allocation of space -- leasing -- definition. (1) The department of administration shall determine the space required by state agencies other than the *legislature and the legislative space designated in 2-17-108, [section 3], and 2-17-802 and the* university system and shall allocate space in buildings owned or leased by the state, based on each

agency's need. To efficiently and effectively allocate space, the department shall identify the amount, location, and nature of space used by each agency, including summary information on average cost per square foot for each municipality, and report this to the office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-numbered year. The report must be provided in an electronic format. The department of administration shall provide a copy of the report to the legislature in accordance with 5-11-210.

(2) An agency requiring additional space shall notify the department. The department, in consultation with the agency, shall determine the amount and nature of the space needed and locate space within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the agency's requirements. If space is not available in a building owned or leased by the state, the department shall locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with another agency. A state agency may not lease, rent, or purchase real property without prior approval of the department.

(3) ~~—(a)~~ The location of the chambers for the house of representatives must be determined in the sole discretion of the house of representatives. The location of the chambers for the senate must be determined in the sole discretion of the senate.

~~(b) Subject to 2-17-108, the department, with the advice of the legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.~~

(4) The department shall consolidate the offices of state agencies in a single, central location within a municipality whenever the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement services division and motor vehicle division of the department of justice are exempted from consolidation.

(5) Any lease for more than 40,000 square feet or for a term of more than 20 years must be submitted as part of the long-range building program and approved by the legislature before the department of administration may proceed with the lease. Multiple leases in the same building entered into within any 60-day period are to be aggregated for purposes of this threshold calculation. When immediate relocation of agency employees is required due to a public exigency, the requirements of this subsection do not apply, but the new lease must be reported as required by subsection (1).

(6) The department shall include language in every lease providing that if funds are not appropriated or otherwise made available to support continued performance of the lease in subsequent fiscal periods, the lease must be cancelled.

(7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state employees is uninhabitable due to immediate conditions that adversely impact the health or safety of the occupants of the facility."

Section 2. Section 2-17-108, MCA, is amended to read:

"**2-17-108. Allocation of legislative ~~rooms and offices~~ *space*.** ~~Notwithstanding the provisions of 2-17-101, after each session of the legislature, the department of administration shall conduct an inventory of the rooms and offices in the capitol controlled by the house of representatives and the senate.~~

(1) (a) Legislative space in the capitol *and on the capitol complex* may not be reduced without the consent of the legislature. The control of the rooms,

committee hearing rooms, and offices *for legislators and session and exempt legislative staff* may not be changed without the permission of the speaker of the house of representatives, the minority leader of the house, the president of the senate, and the minority leader of the senate.

(b) From December 1 in an even-numbered year through the 7th day after sine die of a session the:

(i) president of the senate shall allocate and reserve parking spaces in the capitol south lower lot for members of the senate; and

(ii) speaker of the house of representatives shall allocate and reserve parking spaces in the capitol north circle lot for members of the house of representatives.

(2) (a) During the interim between legislative sessions from the day after sine die of a session through December 1 in an even-numbered year, the legislative services division, under the direction of legislative council in consultation with the legislative audit committee and the legislative finance committee, shall schedule and reserve legislative committee hearing rooms.

(b) *During the interim between legislative sessions from the 7th day after sine die of a session through December 1 in an even-numbered year, the legislative services division, under the direction of legislative council may allocate up to 30 reserved parking spaces in the capitol north circle lot or the capitol south lower lot for the legislature. At the request of the legislative council, the department shall place permanent reserved signs on the allocated parking spaces.*

(3) (a) There are:

(i) five permanent year-round parking spaces in the Capitol south oval lot reserved as legislative parking space, consisting of three spaces allocated to legislative branch division directors, one space allocated for the house representatives, and one space allocated by the legislative services division for the legislative branch;

(ii) seven permanent year-round parking spaces in the capitol south lower lot reserved as legislative parking space allocated to senate leadership, the secretary of the senate, the clerk of the house, the senate sergeant at arms, and the house sergeant at arms;

(iii) four permanent year-round parking spaces in the capitol north circle lot reserved as legislative parking space allocated by the speaker of the house for house leadership; and

(iv) except as provided for in subsection (3)(b), 10 permanent year-round parking spaces on the south side capitol north circle lot adjacent to the capitol building reserved as executive branch space.

(b) From December 1 in an even-numbered year through the 7th day after sine die of a session, one of the executive branch parking spaces provided for in subsection (3)(a)(iv) that is occupied by the secretary of state must revert to the speaker of the house of representatives.

(4) (a) Upon completion of the relocation of the legislative audit division out of the capitol as provided under [section 6(6)], the legislative council with the concurrence of the legislative audit committee and the legislative finance committee shall allocate office space for five contiguous offices on the first floor of the capitol to the legislative audit division.

(b) If the allocated office space in subsection (4)(a) displaces existing office space for legislative fiscal division or legislative services division staff, the legislative council with the concurrence of legislative audit committee and the legislative finance committee shall allocate the equivalent office space for the displaced legislative fiscal division or legislative services division staff on the first floor of the capitol."

Section 3. Reservation of space for legislature -- legislative council duties. (1) The legislative space on the capitol complex includes:

(a) in the state capitol:

(i) the entire fourth floor, except for common space;

(ii) the entire third floor, including the senate and house chambers, except for common space;

(iii) the entire first floor, except for the post office space and common space; and

(iv) the entire basement level, except for agency storage space, media space, and common space.

(b) the entire old board of health building located at 1301 Lockey avenue;

(c) additional buildings that may be acquired or constructed for the use of the legislative branch; and

(d) the allocated legislative parking area as provided for in 2-17-108.

(2) (a) Except as provided in 2-17-101(3), 2-17-108, and subsection (2)(b) of this section, the legislative council shall exercise control over the legislative space except for the following:

(i) the capitol complex advisory council and the department responsibilities for the legislative space as provided for in Title 2, chapter 17, part 8; and

(ii) department control of:

(A) central utility functions, including but not limited to mechanical and electronic functions and the electric core of the capitol and the legislative space;

(B) the state telecommunications network;

(C) custodial care, maintenance, and security pursuant to 2-17-811 for the legislative space; and

(D) network infrastructure.

(b) Except as provided for in 2-17-108, legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall exercise control over the:

(i) long-range legislative branch capital development plan;

(ii) allocation of legislative space;

(iii) remodeling, alteration, or improvement of legislative space as provided for in 2-17-811;

(iv) purchase, lease, or construction of legislative space; and

(v) allocation of legislative parking area space as provided in 2-17-108.

Section 4. Reservation of space for executive branch. (1) The executive branch space on the capitol complex includes:

(a) in the capitol, the entire second floor;

(b) the capitol south oval lot, except the five reserved spaces for the legislature; and

(c) except as provided for in subsection (2), 10 permanent year-round parking spaces on the south side capitol north circle lot adjacent to the capitol building reserved as executive branch space.

(2) From December 1 in an even-numbered year through the 7th day after sine die of a session, one of the executive branch parking spaces provided for in subsection (1)(c) that is occupied by the secretary of state must revert to the speaker of the house of representatives.

Section 5. Section 2-17-802, MCA, is amended to read:

"**2-17-802. Definitions.** As used in *part 1 and* this part, the following definitions apply:

(1) "Capitol" means the building dedicated as the Montana state capitol in 1902.

~~(1)~~*(2)* "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius of the capitol building but does not include the Montana wildlife rehabilitation and education center.

(3) "Capitol north circle lot" means the off-street parking lot that begins proximately south of the intersection of north Montana avenue and sixth avenue, extends in an easterly direction to the base of the north main steps of the capitol, and continues in an easterly direction to end proximately south of the intersection of sixth avenue and north Roberts street.

(4) "Capitol south lower lot" means the off-street parking lot located south of Lockey avenue from the capitol, and proximately west of the old board of health building located at 1301 Lockey avenue;

(5) "Capitol south oval lot" means the off-street parking spaces located between Lockey avenue and the south main entrance to the capitol.

(6) "Central utility functions" means utility functions that include but are not limited to:

(a) heating;

(b) ventilation;

(c) air conditioning and climate control systems and components;

(d) plumbing;

(e) access control;

(f) building automation;

(g) building communications; and

(h) the wired core of the building, including electrical, telephone, and network infrastructure.

(7) "Common space" means areas of a building that serve all tenants and occupants on a nonexclusive basis, including the:

(a) building structure, exterior, and grounds;

(b) publicly accessible space;

(c) restrooms;

(d) mechanical rooms;

(e) custodial rooms;

(f) security rooms;

(g) lobbies;

(h) stairwells;

(i) elevators;

(j) interstitial space;

(k) wiring closets;

(l) areas or systems that support the state telecommunications network;

(m) network infrastructure; and

(n) other critical infrastructure and any other similar areas.

~~(2)~~*(8)* "Council" means the capitol complex advisory council established in 2-17-803.

(9) (a) "Executive branch space" means the area designated by [section 4] and this section.

(10) "Legislative audit committee" means the legislative audit committee established in 5-13-201.

(11) "Legislative audit division" means the legislative audit division established in 5-13-301.

~~(3)~~*(12)* "Legislative council" means the legislative council established in 5-11-101.

(13) "Legislative finance committee" means the legislative finance committee established in 5-12-201.

(14) "Legislative services division" means the legislative services division established in 5-11-111.

(15) "Legislative space" means the area designated by 2-17-108, [section 3], and this section.

(16) "Network infrastructure" means hardware, software, and any associated equipment necessary to enable network connectivity and communications between users, devices, applications, services, and external networks or the internet.

(17) "State telecommunications network" means information technology resources administered by the department for the transmission of voice, video, or electronic data from one device to another."

Section 6. Section 2-17-805, MCA, is amended to read:

"**2-17-805. Function of department of administration -- ~~capitol area~~ *long-range* master plan -- advice of capitol complex advisory council and legislative council.** (1) With advice from the council *and the legislative council*, the department of administration shall establish and maintain a long-range master plan *that is updated at a minimum on a decennial basis* for the orderly development of the capitol complex. The long-range master plan must be developed and maintained, with consideration given to the following factors:

(a) the needs of the state*, including integration of the long-range legislative branch capital development plan,* relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for rapid transit development; and

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and state property in the capitol complex.

~~(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.~~

~~(3)~~*(2)* The Montana historical society shall protect and preserve all publicly held, permanent artwork in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects.

~~(4)~~*(3)* The legislative council*, with consultation of the legislative audit committee and the legislative finance committee,* shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the ~~capitol~~ *legislative space needs*.

(4) (a) Prior to September 1 in the year before a regular session of the legislature, the department shall submit an updated long-range master plan, if an updated plan is available, to the legislative council.

(b) The legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall preintroduce a joint resolution recommending the legislature's consent, consent with modifications, or nonconsent to the current long-range master plan.

(5) (a) (i) For the biennium beginning July 1, 2023, the legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall develop a long-range legislative branch capital development plan for legislative space.

(ii) The legislative council, with consultation of the legislative audit committee and the legislative finance committee, may request appointment of architects and consulting engineers by the department pursuant to 18-2-112 to develop the long-range legislative branch capital development plan.

(iii) For the biennium beginning July 1, 2023, the department shall provide the legislative council with the necessary personnel and resources to develop and complete the long-range legislative branch capital development plan by September 1, 2024.

(iv) (A) The department shall incorporate the long-range legislative branch capital development plan into the long-range master plan.

(B) The long-range legislative branch capital development plan:

(I) must adhere to the goals and guiding principles of the long-range master plan;

(II) may not impair or divide building infrastructure or systems in buildings or facilities occupied by more than one branch of government;

(III) may not require another branch to move out of already existing space without the department's consent and sufficient appropriations to complete the move and alternative space for the other branch; and

(IV) must comply with all laws, including Title 22, chapter 3, and 18-2-108.

(C) The department shall integrate the long-range legislative branch capital development plan with the provisions of the long-range master plan. The department shall resolve any conflicting provisions and finalize a long-range master plan.

(b) (i) Prior to September 1, 2024, the legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall finalize the long-range legislative branch capital development plan.

(ii) The legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall preintroduce a joint resolution recommending the legislature's consent to the long-range legislative branch capital development plan.

(6) (a) Before July 1, 2024, the department shall submit a proposal to legislative council to move the legislative audit division out of the capitol into an existing, renovated, or constructed building on the capitol complex. The department proposal to legislative council must conform to space requirements identified by the legislative audit division and must result in space allocation that is equal to or exceeds the existing space occupied in the capitol by the legislative audit division.

(b) (i) The legislative council in consultation with the legislative audit committee and the legislative finance committee may approve or disapprove the department's proposal pursuant to subsection (6)(a).

(ii) If the legislative council disapproves the department's proposal pursuant to subsection (6)(a), the department shall resubmit a revised proposal to legislative council within 10 days of the legislative council's disapproval of the department's proposal.

(7) The department may develop a plan to transition the secretary of state out of the capitol by January 1, 2031."

Section 7. Section 2-17-806, MCA, is amended to read:

"**2-17-806. Department of administration to establish policies on capitol.** The department of administration, with the advice of the council *and the legislative council*, shall establish policies governing maintenance and beautification of the capitol, executive residence, and original governor's mansion. The policies must provide that all historic furnishings original to the capitol remain in the building if an agency relocates and may designate appropriate wall, floor, and window coverings for the capitol. The Montana Administrative Procedure Act does not apply to this part."

Section 8. Section 2-17-811, MCA, is amended to read:

"**2-17-811. Custodial care of capitol buildings and grounds.** (1) The department of administration is custodian of ~~all~~ *all* state property and grounds

in ~~the state capitol area, which is the geographic area within a 10-mile radius of the state capitol~~ *the capitol complex*.

(2) *(a)* The department shall supervise and direct the work of caring for and maintaining buildings and equipment in the ~~state capitol area~~ *capitol complex*.

(b) The department shall provide or approve ~~all~~ *all* custodial, maintenance, and security work done on state-owned or leased buildings in the ~~state capitol area~~ *capitol complex*.

(c) The legislature shall pay the maintenance service fee rate approved by the legislature for:

(i) the legislative space for nonpartisan legislative staff within the capitol; and

(ii) the old board of health building, including common space.

(3) *(a)* ~~A~~ *Except as provided in subsection (3)(b), a* state agency may not alter, improve, repair, or remodel a state building in the state capitol area without the approval of the department.

(b) (i) After giving notice to the department, the legislative council may alter, improve, or remodel legislative space that only affects legislative space and that complies with all laws, including Title 22, chapter 3, and 18-2-108.

(ii) (A) The department shall consult the legislative council regarding the department's approval and timing of any alteration, improvement, remodel, or major repair of legislative space.

(B) The department shall notify the legislative council if the department lacks sufficient resources to complete a legislative space project or to satisfy the timing of a project.

(c) (i) Except as provided in subsection (3)(c)(ii), if the department disapproves an alteration, improvement, or remodel of legislative space, the legislative council may override that disapproval and direct the department to proceed with the project.

(ii) A legislative space project may not impair building infrastructure or systems that serve an entire building or facility.

(4) The department shall maintain or approve the maintenance of the grounds in the state capitol area."

Section 9. Capitol complex executive branch state special revenue account. (1) There is a capitol complex executive branch state special revenue account in the state special fund type established in 17-2-102.

(2) Interest earnings, project carryover funds, and miscellaneous revenue must be retained in the account.

Section 10. Eligible use of funds. (1) The funds in the account established in [section 9] may be used to continue renovation, replacement, or construction of complex facilities based on findings from the 2022 Montana remote and office workspace study, including but not limited to capital improvements to:

(a) align modern workspace with a modern workforce;

(b) implement enterprise-wide opportunities for technology enhanced touch-down and hoteling stations;

(c) improve productivity;

(d) reduce agency programmatic and operational costs;

(e) provide flexible spaces for long-term efficiencies, performance, and cost reduction;

(f) improve workforce efficiencies, recruiting, and retention, including telework-friendly design;

(g) consolidate state-owned and leased properties into existing, replacement, or new spaces;

(h) renovation or construction costs, including relocation costs, for moving the legislative audit division provided for in 5-13-301 and non-legislative branch functions or agencies out of the capitol;

(i) colocation to take advantage of teleworking and mission-related adjacencies;

(j) centralize access to governmental services and improve citizen accessibility;

(k) provide security improvements to ensure safety and continuity of governmental operations; and

(l) increase disaster resiliency.

(2) Priority must be given to projects that have a high return on investment or that reduce deferred maintenance backlog through the renovation and renewal of existing spaces.

(3) Furniture, fixtures, and equipment associated with the implementation of this section may be paid from these funds.

(4) Operating, administrative, moving, and relocation costs associated with the implementation of this section may be paid from these funds.

(5) The department may propose transfers from the account established in [section 9] to the major repair long-range building program account or the capital developments long-range building program account for executive branch capital projects within the capitol complex.

Section 11. Capitol complex legislative branch state special revenue account. (1) There is a capitol complex legislative branch state special revenue account in the state special fund established in 17-2-102.

(2) Interest earnings, project carryover funds, and miscellaneous revenue must be retained in the account.

Section 12. Eligible use of funds. (1) The funds in the account established in [section 11] may be used to:

(a) develop and implement a strategic capital plan to improve the efficiency and functionality of the legislative space and the legislative process;

(b) plan, renovate, replace, or construct capitol complex facilities for the use of the legislative branch;

(c) increase citizen access to legislators and the legislative process;

(d) locate priority functions and entities to be located within the walls of the capitol;

(e) relocate functions and entities not required to be located within the walls of the capitol;

(f) address deficiencies in legislator and legislative support staff spaces;

(g) improve adjacencies and colocation where functional efficiencies can be gained;

(h) provide flexible spaces for long-term efficiencies, performance, and cost reduction;

(i) improve workforce efficiencies, recruiting, and retention, including telework-friendly design; and

(j) implement telework opportunities.

(2) Priority must be given to projects that improve the legislative process by providing individual office space for legislators, expanding or adding public hearing rooms, or increasing the availability of space for constituent meetings and outreach.

(3) Furniture, fixtures, and equipment associated with the implementation of this section may be paid from these funds.

(4) Operating, administrative, moving, and relocation costs of legislative branch functions moved or relocated in the implementation of this section may be paid from these funds. Renovation or construction costs, including relocation

costs, for moving non-legislative branch functions or agencies out of the capitol must be paid from the funds in the account established in [section 9].

(5) The legislative branch long-range capital development plan must be updated at a minimum on a decennial basis and prior to undertaking any major capital development exceeding $5 million not included in the current legislative branch long-range capital development plan in effect.

(6) The legislature may transfer from the account established in [section 11] to the major repair long-range building program account or the capital developments long-range building program account for legislative branch capital projects within the capitol complex.

(7) The legislative council, with consultation of the legislative finance committee and legislative audit committee, shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol and capitol complex.

Section 13. Transfer of funds. By June 30, 2023, the state treasurer shall transfer $25 million from the general fund to the account established in [section 9] and $25 million from the general fund to the account established in [section 11].

Section 14. Appropriations. (1) There is appropriated 12.5 million from the account established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections (2) and (3).

(2) Up to $6.25 million of the appropriation may be used to:

(i) pay for the development of a long-range legislative branch capital development plan; and

(ii) plan, renovate, replace, and construct capital improvements for the exclusive use of the legislative branch.

(3) The balance of the appropriation may be used to plan, renovate, replace, and construct capital improvements for the use of the legislative branch based on recommendations of the legislative branch long-range capital development plan.

(4) There is appropriated $50 million from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209, to the department of administration for the department renovation of the capitol complex offices and the implementation of the 2022 Montana remote and office workspace study project for the biennium beginning July 1, 2023.

(5) There is appropriated $28,695,418 from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209, to the department of administration for the department state capitol building improvements project for the biennium beginning July 1, 2023.

(6) (a) There is appropriated up to $19 million from the account established in [section 9] to the department of administration for the purpose of moving the legislative audit division provided for in 5-13-301 out of the capitol into an existing or constructed building pursuant to [section 6(6)].

(b) These funds must be used to:

(i) plan, renovate, or construct capitol complex facilities for the use of the legislative audit division;

(ii) pay for furniture, fixtures, and equipment at the new location of the legislative audit division;

(iii) pay operating, administrative, moving, and relocation costs of the legislative audit division; and

(iv) pay for any other costs associated with carrying out the provisions of [section 6(6)].

(c) Upon completion of the requirements of subsection (6)(b), the balance of the appropriation may be used for the purposes established in [section 10].

(7) There is appropriated $6 million for the purposes established in [section 10].

Section 15. Legislative consent. The appropriations authorized in [section 14] constitute legislative consent for the capital projects contained in [section 14] within the meaning of 18-2-102.

Section 16. Planning and design. The department of administration may proceed with the planning and design of capital projects for the legislative branch in [section 14] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 17. Codification instruction. (1) [Sections 3 and 4] are intended to be codified as an integral part of Title 2, chapter 17, part 1, and the provisions of Title 2, chapter 17, part 1, apply to [sections 3 and 4].

(2) [Sections 9 through 12] are intended to be codified as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections 9 through 12].

Section 18. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 14] is effective July 1, 2023.

Approved May 23, 2023

CHAPTER NO. 763

[HB 5]

AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; PROVIDING FOR AN EMERGENCY SHELTER FACILITY INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121 AND 17-7-201, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 11], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university funds.

(2) "Capital development" means capital projects provided for in 17-7-201(2).

(3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 11].

(4) "LRBP capital development" means the long-range building program capital developments account in the capital projects fund type provided for in 17-7-209.

(5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair account in the capital projects fund type provided for in 17-7-221.

(6) "Major repair" means capital projects provided for in 17-7-201(7).

(7) "Other funding sources" means money other than LRBP money, state special revenue, or federal special revenue that accrues to an agency under the provisions of law.

(8) "SBECP" means funds from the state building energy conservation program account in the capital projects fund type, which may be utilized on either or both major repair and capital development projects.

Section 2. Major repair projects appropriations and authorizations. (1) The following money is appropriated to the department of administration for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to adjust capital project amounts within the legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the office of budget and program planning, and transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP MR Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DPHHS Supplemental MSH Wastewater Treatment	1,400,000				1,400,000

Inflationary adjustment funding is provided for the project in section 9, Chapter 476, Laws of 2019.

DPHHS Supplemental MSH Hospital Roof	800,000				800,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DPHHS Supplemental MMHNCC Roof Replacement	1,500,000				1,500,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DOC Supplemental MSP/MWP/PHYCF/Xanthopolous Door Control Systems	450,000				450,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MSDB Supplemental Mustang Center Fire Sprinkler System	830,854				830,854

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental FLBS Sewer Treatment Plant	1,100,000				1,100,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental Mansfield Library Roof Repair
500,000 500,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS MSU-N Supplemental Vande Bogart Library Roof Replacement
675,000 675,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
DPHHS Supplemental MVH Roof Replacement
1,600,000 1,600,000
State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS MSU Supplemental Reid Hall Fire System Upgrades
1,000,000 1,000,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS MSU-N Supplemental Brockmann Center HVAC Upgrade
1,907,320 1,907,320
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS UM Supplemental Clapp Building Elevator
500,000 500,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS UM Supplemental Stone Hall Roof Replacement
800,000 800,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
DNRC Supplemental Swan Lake Office Siding
187,687 187,687
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
DPHHS Supplemental MVH Courtyard Improvements
517,000 517,000
State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
DPHHS Supplemental MVH Flooring
367,000 367,000
State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
DPHHS Supplemental MVH ARPA HVAC
423,039 423,039
State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 20, Chapter 401, Laws of 2021.
MUS UM-HC Supplemental Donaldson Building HVAC
1,000,000 1,000,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.
MUS MSU Supplemental Montana Hall Fire System Upgrades
220,000 220,000

DOA Parking Garage Repairs, 5 Last Chance Gulch			
	1,808,145		1,808,145
DOC MSP Red Light/Emergency Notification System			
	1,000,000		1,000,000
DOC MSP Perimeter Fence Enhancement			
	1,500,000		1,500,000
MSDB Campus Security Camera Install			
	300,000		300,000
MUS GFC Fire Suppression System Upgrades			
	500,000		500,000
DLI Billings UI Call Center Repairs			
	1,000,000		1,000,000
DOC Pine Hills Roof Replacement			
	1,000,000		1,000,000
DOC Eastmont HVAC System Repairs/Replacements			
	200,000		200,000
DPHHS MMHNCC Key Card Entry System			
	125,000		125,000
MSDB Create Bus Loop and Update Parking Lot			
	349,637		349,637
MUS MSU Barnard Hall Failed Chiller Replacement			
	1,750,000		1,750,000
DOC MWP Cooling System Upgrade			
	750,000		750,000
DOJ MLEA Boiler Replacement, Admin Building			
	830,000		830,000
DOA Original Governor's Mansion Repairs			
	600,000		600,000
DOJ MHP Roof Replacements & Upgrades, Boulder Campus			
	1,860,000		1,860,000
MUS UM Priority 1 Campuswide Roof Replacements			
	2,425,000		2,425,000
DOC Facility-Specific Program & Master Plan			
	600,000		600,000
MUS MSU-B P.E. Building Roof Replacement			
	2,400,000		2,400,000
MUS UMW Repair/Replace Sewer Mains			
	125,000		125,000
MUS UM Upgrade/Replace Elevators			
	2,498,650		2,498,650
MUS UM FLBS Roof Replacements			
	262,000		262,000
DOC MWP Heating System Upgrade			
	1,500,000		1,500,000
DOJ Missoula Crime Lab Expansion Feasibility Study			
	75,000		75,000
MUS MT Tech Electrical Distribution Upgrades			
	650,000		650,000
MUS MSU-B Campus Water Distribution System Upgrades			
	2,000,000	400,000	2,400,000
MUS MSU Lewis Hall ADA Upgrades			
	2,400,000		2,400,000
MUS UM Replace Fire Alarms, Clapp Building			
	780,000		780,000

Funding must be reallocated by the department to other major repair projects if funding is appropriated in [section 3] for MUS UM Clapp Building Renovation.

MUS MSU Tietz Hall Roof Replacement
1,300,000 1,300,000
DOC MWP Perimeter Fence/Dog Yard
1,000,000 1,000,000
DOC Pine Hills Unit F Sewer Line Replacement
500,000 500,000
DOC MSP Unit F Water Supply Upgrade
600,000 600,000
DMA Gallatin Readiness Center Roof Replacement
741,455 741,455 1,482,910
DOC MSP Site Infrastructure Study
300,000 300,000
MUS MSU Cobleigh Hall Parapet Structural Repair
2,400,000 2,400,000
MUS MT Tech Restroom Renovations
1,200,000 1,200,000

Portions of this funding must be reallocated by the department to other major repair projects if funding is appropriated in [section 3] for either or both MUS MT Tech Engineering Hall Renovation and MUS MT Tech Main Hall Renovation.

MUS MSU Campus Heating Plant Boiler Controls Upgrade
1,600,000 800,000 2,400,000
MUS MSU Emergency Water System & Fixture Upgrades
2,400,000 2,400,000
MUS MT Tech Masonry Repairs
455,000 455,000
MUS UMW Elevator Repairs/Replacements
325,000 325,000
DNRC Stillwater Unit Shop Replacement
1,214,837 1,214,837
MUS MAES WARC Shop Renovation &Safety Upgrades
600,000 600,000
DOA Statewide FCA Baseline Assessments
1,500,000 1,500,000
MUS MSU-N Campus EMS Building Controls Upgrade Project
400,000 400,000
MUS UM Campus Building Envelope Repairs
415,000 415,000
MUS UM Replace Electrical Equipment
325,000 325,000
MUS MSU-N Electronics Tech. HVAC & Lighting Upgrade
800,000 800,000
MUS MAES Lambing Barn Renovation &Safety Upgrades
200,000 200,000
MUS MSU Hamilton Hall Life-Safety System Improvements
2,400,000 2,400,000
MUS MSU-N Pershing Hall Renovation
2,400,000 2,400,000
MUS MSU-N Metals Technology Building Roof Project
400,000 400,000

MUS MAES BART Demolition Project
400,000 400,000
DOC MSP MCE Industries Repairs
700,000 700,000
DMA Gallatin RC / FMS HVAC / Controls Repairs
320,747 962,241 1,282,988
DMA FTH HAFRC Lighting and Control Modifications
26,768 324,947 351,715
DMA Statewide SMART Deferred Maintenance Program
1,500,000 1,500,000
Funding may only be used by the department upon receipt of federal special revenue matching funds.
DOJ MHP Boulder Dorm Renovations
250,000 250,000
MDT/FWP Clearwater Junction RV Dump Station System Repair and Renovation
1,600,000 1,600,000
DOA Boiler & Chiller Replacement - Walt Sullivan
473,707 473,707
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
DOA Elevator Modifications - Cogswell Building
768,757 768,757
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
DOA Elevator Modifications - Walt Sullivan Building
379,763 379,763
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
DOA Roof & Mechanical - DPHHS 111 N. Sanders
1,309,099 1,309,099
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
DOA Roof Replacement - FWP Headquarters
289,695 289,695
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
DOA State of Montana Data Center Roof Replacement
700,000 700,000
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.
MUS HC Cosmetology Program Renovation
2,495,000 2,495,000
DOC MCE Food Factory Emergency Generator
100,000 100,000

(2) State special revenue fund appropriations to the department of administration from the capitol land grant fund may be adjusted among the indicated capital projects within the legislative intent, subject to available revenue, if approved by the office of budget and program planning.

(3) The following money is appropriated to the department of military affairs for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization.

Agency/Project	LRBP MR Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA FTH Aviation Support Facility Energy Improvements			1,067,500		1,067,500
DMA FTH Building 1005 Expansion and Compound Upgrades			713,700		713,700
DMA FTH Building 530 Compound Improvements			526,125		526,125
DMA FTH Crew Proficiency Course Tower Improvements			396,934		396,934
DMA FTH Energy Improvements and Generator Backup			320,250		320,250
~~DMA FTH Facility LED Lighting Retrofit~~			~~238,816~~		~~238,816~~
~~DMA FTH Fort Harrison Lighting Upgrades~~			~~564,250~~		~~564,250~~
DMA FTH Maintenance Shop HVAC & Controls Upgrade			1,486,733		1,486,733
DMA FTH Training Equipment Site Retro-Commissioning			569,969		569,969

(4) (a) There is appropriated $30,000 from the general fund for the biennium beginning July 1, 2023, to the legislative fiscal division to support the activities of the select committee on corrections facility capacity and system development established in subsection (4)(b).

(b) There is a select committee on corrections capacity and system development. The committee is composed of nine members:

(i) three members from the judicial branch, law enforcement, and justice interim budget committee appointed by the presiding officer of the legislative finance committee in consultation with the vice presiding officer of the legislative finance committee;

(ii) three members from the long-range planning interim budget committee appointed by the presiding officer of the legislative finance committee in consultation with the vice presiding officer of the legislative finance committee; and

(iii) three members from the law and justice interim committee appointed by the presiding officer of the law and justice interim committee in consultation with the vice presiding officer of the law and justice interim committee.

(c) Committee members are entitled to receive compensation and expenses as provided in 5-2-302.

(d) The committee shall meet quarterly in coordination with the legislative finance committee schedule.

(e) The legislative services division and the legislative fiscal division shall provide staff assistance to the committee.

(f) The committee shall focus on establishing an overall framework and implementation plan for long-term facility needs and immediate improvements for department of corrections facilities.

(g) The committee shall prepare a final report of its findings and recommendations, and draft legislation if appropriate. The committee shall submit the final report to the legislative finance committee and the law and justice interim committee for approval prior to submission to the governor and the 69th legislature.

Section 3. Capital development projects appropriations and authorizations. (1) The following money is appropriated to the department of

administration for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
Agriculture Supplemental Ag Analytical Lab (combined with Vet Diagnostic Lab and MSU Wool Lab)	3,858,000				3,858,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
MUS MSU Supplemental Wool Lab (combined with Vet Diagnostic Lab and Ag Analytical Lab)	4,700,000				4,700,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
Livestock Supplemental Vet Diagnostic Lab (combined with Ag Analytical Lab and MSU Wool Lab)	2,200,000				2,200,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
DPHHS DOA Supplemental State Health Lab Renovation		7,000,000			7,000,000
Funding may be utilized by the department for project completion in the event federal grant funding expenditure deadlines are not extended for the project in section 3, Chapter 461, Laws of 2021.					
Revenue Supplemental Liquor Warehouse Expansion		15,515,750			15,515,750
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
DPHHS Supplemental SWMVH Cottage Connectors	5,250,000				5,250,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
MUS MT Tech Supplemental Heating Systems Upgrade	2,750,000				2,750,000
Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.					
MUS UMW Supplemental Block Hall Renovation	3,600,000				3,600,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.					
MDT Supplemental West Yellowstone Airport Terminal	9,000,000				9,000,000
Funding may be utilized on a prorated basis by the department for project completion in the event additional federal grant funding is not received for inflationary and scope adjustments for the project in section 2, Chapter 422, Laws of 2019, and section 3, Chapter 461, Laws of 2021, up to an aggregate of $41,500,000 from all sources. This aggregate amount does not limit or restrict 17-7-211.					
DMA Supplemental Silver Bow Readiness Center	5,491,795		8,221,254		13,713,049

Inflationary adjustment funding is provided for the project in section 9, Chapter 476, Laws of 2019, and section 3, Chapter 461, Laws of 2021.

MUS MAES Supplemental MAES Research Labs

4,396,000 4,396,000

Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.

DOA Supplemental Mazurek Building Renovation

5,000,000 5,000,000

Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DNRC Supplemental ELO Facilities & Shop

3,003,553 3,003,553

Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.

MUS MSU Supplemental Haynes Hall Ventilation Upgrades

3,400,000 3,400,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MDT Supplemental Lincoln Airport SRE Building

250,000 250,000

Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

FWP Supplemental Havre Area Office

2,199,600 620,400 2,820,000

Inflationary and scope adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DOJ MLEA Supplemental Scenario Building

2,600,000 2,600,000

Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

FWP Supplemental Glasgow Headquarters

3,100,000 3,100,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

FWP Supplemental Lewistown Area Office

4,000,000 4,000,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

FWP Supplemental MT Wild Avian Rehab Building

550,000 550,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DMA Supplemental Billings AFRC Unheated Storage

46,208 46,208 92,416

Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DMA Supplemental Havre Unheated Building

63,318 63,318 126,636

Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000 15,903,000

Up to $10,000,000 of funding for the project must be used for rebuilding a water line constructed by the state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge County for this portion of the project at the department's discretion.

DOC MSP Replace Low-Side Housing			
156,000,000			156,000,000
DOC MSP Unit D Renovation			
18,840,831			18,840,831
DOC Flathead County Prerelease Center			
7,000,000			7,000,000
DNRC Seedling Nursery Improvements			
2,797,320			2,797,320
DOC MSP Water Line Replacement			
3,000,000			3,000,000
DOC MSP Entry/Staff Services Addition to Wallace Building			
12,800,000			12,800,000
DOC MSP Replace Roofs			
5,600,000			5,600,000
DOC MSP Xanthopoulos Building Repairs			
2,950,000			2,950,000
DOC MSP New Multi-Purpose Programs Building			
9,000,000			9,000,000
DLI Job Service Great Falls Building Renovation			
5,767,880			5,767,880
MUS UM FLBS Water and Sewer Systems			
2,500,000			2,500,000
DOC MWP Roof Replacement			
5,000,000			5,000,000
DMA Billings Readiness and Innovation Campus			
26,840,000		52,000,000	78,840,000
DNRC Clearwater Replacement Bunkhouse			
1,189,178			1,189,178
DNRC Anaconda Bunkhouse			
1,180,962			1,180,962
DNRC NELO Fire Ready Room			
445,491			445,491
DNRC CLO Dispatch Center Expansion			
545,000			545,000
DPHHS MMHNCC Heated Storage Unit			
360,000			360,000
~~DPHHS Southwest Montana Veterans Home Sixth Cottage~~			
~~6,000,000~~			~~6,000,000~~
~~Federal funds must be obligated prior to project initiation.~~			
DOA Old Board of Health Renovation (Legislative Staff Space)			
3,500,000			3,500,000
DOC MSP Check Point Bldg / Wallace Entry Security Enhancements			
3,000,000			3,000,000
DMA Helena Readiness HVAC & Temp Control Upgrade			
798,420	2,542,248		3,340,668
MUS HC Acquire and Renovate Airport Hangar			
3,600,000			3,600,000
DMA DES State Emergency Coordination Center Expansion			
6,581,000			6,581,000

MUS UM Clapp Building Renovation
27,000,000 10,000,000 37,000,000
MUS MT Tech Engineering Hall Renovation
8,000,000 8,000,000
MUS MT Tech Main Hall Renovation
30,000,000 30,000,000
MUS MAES BART Life-Safety & Programmatic Improvements
10,000,000 10,000,000
DMA DES State Disaster Warehouse
5,704,000 5,704,000
MUS UMW Campus Storage/Warehouse Building
1,250,000 1,250,000
MUS MSU-N Health and Recreation Complex
25,000,000 25,000,000
FWP Makoshika Campground Improvement & Addition
2,500,000 2,500,000 5,000,000
FWP Agency Staff Housing
7,500,000 7,500,000
FWP Miles City Train Depot Renovation
2,000,000 2,000,000

Up to $1.5 million of state special revenue funds consist of funds from 15-65-121(2)(e). Up to $500,000 of state special revenue funds consist of funds from the account established in 23-1-105.

FWP Central Services Site Upgrades
10,343,330 10,343,330
MDT Combination Facility Great Falls
12,600,000 12,600,000
MDT Combination Facility Kalispell
11,000,000 11,000,000
MDT Combination Facility Missoula
10,500,000 10,500,000
MUS MSU Supplemental Facilities Yard Relocation
8,000,000 8,000,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

MUS UM Supplemental Mansfield Library Remodel
4,000,000 4,000,000

Inflationary and scope adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

MUS MSU Supplemental Visual Communications Building
4,000,000 4,000,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

MUS MSU Mark and Robyn Jones MSU College of Nursing (5 locations)
92,000,000 92,000,000
MUS MSU Gianforte Hall, School of Computing
50,000,000 50,000,000
MUS UM Adams Center - Student Athlete Locker Rooms
6,000,000 6,000,000
MUS UM Campuswide Classroom Upgrades
6,000,000 6,000,000
MUS UM Liberal Arts Building / Eck Hall
4,000,000 4,000,000

MUS MSU Indoor Practice Facility			15,000,000	15,000,000
MUS MT Tech Highlands College Indoor Pole Barn			2,000,000	2,000,000
DOA Statewide Federal Spending Authority		5,000,000		5,000,000
DOC Motor Vehicle Ventilation & Paint/Sandblasting Booths			590,000	590,000
MUS UM McGill Hall Expansion			3,000,000	3,000,000

(2) (a) For the biennium beginning July 1, 2023, there is appropriated to the department of administration $4 million of state special revenue for the department of fish, wildlife, and parks beartooth WMA facilities upgrade capital development project.

(b) For the biennium beginning July 1, 2023, an additional $4 million of state special revenue is appropriated to the department of administration for the department of fish, wildlife, and parks beartooth WMA facilities upgrade capital development project contingent on the department of administration providing written confirmation to the governor that the project is under contract.

(c) The department of fish, wildlife, and parks shall provide a quarterly report on the status of the project and its associated expenditures in digital format to the legislative fiscal analyst. The report must be distributed by the legislative fiscal analyst to members of the legislative finance committee and the long-range planning budget committee provided for in 5-12-501.

(3) (a) Except as provided in subsection (3)(b), funds appropriated for the DOC Flathead County Prerelease Center may not be expended until the department has received all necessary authorizations for the proposed prerelease center.

(b) To secure acquisition of the facility, the department of corrections may enter into a purchase option agreement with the owner not to exceed 18 months in length. The option fee must be fully credited to the purchase price if the department of corrections purchases the facility. The option fee may not exceed 1% of the purchase price.

(4) The following money is appropriated to the department of military affairs for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization.

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA FTH Aviation Facility HVAC &Temperature Control Upgrade		3,580,365		3,580,365
~~DMA FTH Collective Training Housing Facility~~		~~3,000,000~~		~~3,000,000~~
DMA FTH Ready Building Addition		4,700,000		4,700,000
DMA FTH Training Site HVAC and Controls Upgrade		2,574,002		2,574,002

(5) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed

by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this subsection (5) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (5) become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(c) The following money is appropriated for the biennium beginning July 1, 2023, to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
Department of Corrections					
BSB Re-Entry Services, Acadia Facility	563,536				563,536
DOC MSP Replace Low-Side Housing	176,560				176,560
DOC MSP Entry/Staff Services Addition to Wallace Building	184,000				184,000
DOC MSP New Multi-Purpose Programs Building	103,040				103,040
DOC Flathead County Prerelease Center	3,388,560				3,388,560
DOC Motor Vehicle Ventilation &Paint/Sandblasting Booths				40,000	40,000
Department of Fish, Wildlife, and Parks					
FWP Beartooth WMA Facilities Upgrade		80,000			80,000
FWP Agency Staff Housing		225,000			225,000
FWP Central Services Site Upgrades		128,762			128,762
FWP Miles City Train Depot Operations and Maintenance		73,000			73,000
Department of Military Affairs					
DMA Billings LAASF			200,000		200,000
DMA DES State Emergency Coordination Center Expansion	54,012				54,012
~~DMA FTH Collective Training Housing Facility~~			~~34,000~~		~~34,000~~
DMA FTH Ready Building Addition			26,472		26,472
Department of Natural Resources and Conservation					
DNRC Clearwater Replacement Bunkhouse	27,650				27,650

Operations and maintenance funding is appropriated in accordance with section 7(13), Chapter 401, Laws of 2021.

Operations and maintenance funding is appropriated in accordance with section 7(13), Chapter 401, Laws of 2021.

The appropriation for the DOC Flathead County Prerelease Center is for the fiscal year beginning July 1, 2024.

Operations and maintenance are from FWP state special revenue funds.

DNRC Anaconda Bunkhouse
33,180 33,180
DNRC NELO Fire Ready Room
17,696 17,696
DNRC CLO Dispatch Center Expansion
10,700 10,700
Department of Public Health and Human Services
DPHHS MMHNCC Heated Storage Unit
21,312 21,312
DMA DES State Disaster Warehouse
62,000 62,000
Montana Department of Transportation
MDT Combination Facility Great Falls
53,900 53,900
MDT Combination Facility Kalispell
42,400 42,400
MDT Combination Facility Missoula
41,800 41,800
Montana University System
MUS MSU Supplemental Wool Lab (combined with Vet Diagnostic Lab and Ag Analytical Lab)
520,695 520,695
MUS HC Acquire and Renovate Airport Hangar
188,133 188,133
MUS UMW Campus Storage/Warehouse Building
63,975 63,975
MUS MSU Mark and Robyn Jones MSU College of Nursing (5 locations)
4,000,154 4,000,154
MUS MSU Gianforte Hall, School of Computing
1,730,858 1,730,858
MUS MSU Indoor Practice Facility
athletics/auxiliaries funds only
MUS MT Tech Highlands College Indoor Pole Barn
42,671 42,671
MUS UM McGill Hall Expansion
62,256 62,256
MUS MSU-N Health and Recreation Complex
585,240 585,240

(d) After receipt of a certificate of occupancy, funding appropriated in subsection (5)(c) to the Montana university system Wool Lab and in section 1(4)(c), Ch. 468, L. 2021, to the department of agriculture Ag Analytical Lab shall be transferred each biennium to the department of livestock.

Section 4. Project priority. (1) The department of administration shall prioritize the following projects at the Montana state prison as first and shall move at all deliberate speed to have each project under contract by September 30, 2023:

DOC MSP Replace Low-Side Housing
DOC MSP Perimeter Fence Enhancement
DOC MSP Unit F Water Supply Upgrade
DOC MSP Water Line Replacement
DOC MSP Entry/Staff Services Addition to Wallace Building
DOC MSP Replace Roofs
DOC MSP Xanthopoulos Building Repairs
DOC MSP New Multi-Purpose Programs Building

(2) To expedite construction of new low-side housing units at Montana state prison, the department of administration, in consultation with the department of corrections, is authorized to purchase plans for prison housing that were constructed in another state, provided those plans can be made to comply with the professional services requirements of Title 18, chapter 2, and Title 37, chapters 65 and 67.

Section 5. Capital improvements projects. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Source	Total
FWP Statewide Admin Facilities Major Maintenance	1,991,500		5,000,000	6,991,500
FWP Signage & Wayfinding Updates	1,250,000			1,250,000
FWP Erosion Control	2,673,000			2,673,000
FWP Community Ponds	200,000			200,000
FWP Forest Management	100,000	300,000		400,000
FWP Site Maintenance Upgrades & Improvements	4,572,450	1,770,750	1,193,000	7,536,200
FWP Shooting Range Development	1,000,000	3,000,000		4,000,000
FWP Wildlife Habitat Improvement Program Renewal		2,000,000		2,000,000
FWP Wildlife Habitat Management / Maintenance	1,140,000	2,765,000		3,905,000
FWP Upland Game Bird Enhancement Program	1,908,000	600,000		2,508,000
FWP Migratory Bird Wetland Program	500,000			500,000
FWP Future Fisheries	2,000,000			2,000,000
FWP Hatcheries Maintenance	2,000,000			2,000,000
FWP POR Grant Programs	5,000,000	6,000,000		11,000,000
FWP Fish Connectivity	548,454	1,278,992	140,234	1,967,680
FWP PALA Access Program	1,000,000			1,000,000

Up to $60,000 of state special revenue funding must be used for construction of a warming hut at Bannack state park.

(2) Authority is granted to the Montana university system for the purpose of making capital improvements to campus facilities statewide. Use of authority-only funds may be allocated at not more than $2,500,000 per project and a project may not be segregated to circumvent this limitation. All costs for

the operations and maintenance of any improvements constructed under this authorization must be paid by the Montana university system from nonstate sources:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
General Spending Authority, MUS			20,000,000	20,000,000

(3) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide facilities. All costs for the operation and maintenance of any improvements constructed with these funds must be paid by the department of military affairs from nonstate sources:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA Federal Spending Authority		3,000,000		3,000,000

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities as indicated:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
MDT Maintenance, Repair, and Small Projects	3,000,000			3,000,000

(5) The following money is appropriated to the department of environmental quality in the indicated amount from state building energy conservation funds for the purposes of making capital improvements, and is authorized to transfer the appropriation, authority, or both among the necessary fund types.

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DEQ Energy Improvements, Statewide			3,700,000	3,700,000

~~(6) The following money is appropriated to the department of commerce in the indicated amount for grants to the Chippewa Cree tribe for the purpose of the following projects:~~

~~Agency/Project~~	~~State Special Revenue~~	~~Federal Special Revenue~~	~~Authority Only Sources~~	~~Other Funding Sources~~	~~Total~~
~~Chippewa Cree Cultural Ceremony Building Repair~~				~~1,000,000~~	~~1,000,000~~
~~Chippewa Cree Language Immersion School~~				~~1,000,000~~	~~1,000,000~~

~~Other Funding Sources consist of one-time-only state general fund money.~~

(7) The following money is appropriated to the department of transportation in the indicated amount for the purpose of constructing new public sidewalks along U.S. highway 2, from the intersection of meadowlark drive to the intersection of Terry road, and from the intersection of east evergreen drive to the intersection of Poplar road.

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Other Funding Sources	Total
MDT US Highway 2 Sidewalks Project				1,000,000	1,000,000

Other Funding Sources consist of one-time-only state general fund money.

~~(8) The following money is appropriated to the department of commerce in the indicated amount for a grant to the city of Missoula for the purpose of the following project:~~

~~Agency/Project~~	~~State Special Revenue~~	~~Federal Special Revenue~~	~~Authority Only Sources~~	~~Other Funding Sources~~	~~Total~~
~~City of Missoula Riverfront Trail Public Plaza~~				~~250,000~~	~~250,000~~

~~Other Funding Sources consist of one-time-only state general fund money.~~

(9) The following money is appropriated to the department of revenue in the indicated amount for the purpose of a state line survey project to be conducted by the U.S. bureau of land management in Mineral County.

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Other Funding Sources	Total
Department of revenue/Mineral County state line survey				76,000	76,000

Other funding sources consist of one-time-only state general fund money.

(10) The following money is appropriated to the department of environmental quality in the indicated amounts for grants that reduce exposure to lead in drinking water at school facilities:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Other Funding	Total
DEQ School Lead Remediation				3,700,000	3,700,000

Other funding sources consist of one-time-only state general fund money.

~~(11) The following money is appropriated to the department of natural resources and conservation in the indicated amount for a grant to the Yellowstone Conservation District and the City of Billings for construction for the Yellowstone Conservation Area.~~

~~Agency/Project~~	~~State Special Revenue~~	~~Federal Special Revenue~~	~~Authority Only Sources~~	~~Other Funding Sources~~	~~Total~~
~~DNRC Yellowstone Conservation Area~~				~~8,000,000~~	~~8,000,000~~

~~Other funding sources consist of one-time-only state general fund money.~~

~~(12) The following money is appropriated to the department of commerce in the indicated amount for a grant to the city of Columbus for a grant for water and sewer system upgrades and repairs:~~

~~Agency/Project~~	~~State Special Revenue~~	~~Federal Special Revenue~~	~~Authority Only Sources~~	~~Other Funding Sources~~	~~Total~~
~~Department of Commerce/City of Columbus water and sewer system upgrades and repairs~~				~~1,000,000~~	~~1,000,000~~

~~Other funding sources consist of one-time-only state general fund money.~~

~~(13) The following money is appropriated to the department of commerce in the indicated amount for grants to local governments as defined in 90-6-701 for local park facility improvements.~~

~~Agency/Project~~	~~State Special Revenue~~	~~Federal Special Revenue~~	~~Authority Only Sources~~	~~Other Funding Sources~~	~~Total~~
~~Department of Commerce/local park facility improvement grants~~				~~2,000,000~~	~~2,000,000~~

~~Other funding sources consist of one-time-only state general fund money.~~

Section 6. Land acquisition appropriations. The following money is appropriated to the department of fish, wildlife, and parks in the indicated

amounts for purposes of land acquisition, land leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
FWP Habitat Montana	9,650,000	2,350,000		12,000,000

Section 7. Planning and design. The department of administration may proceed with the planning and design of capital projects in either or both [sections 2 and 3] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 8. Capital projects -- contingent funds. (1) If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the project for bid until a financial plan and agreement with the agency has been approved by the director of the department of administration. A financial plan and agreement may not be approved by the director if:

(a) the level of funding and authorization provided under the financial plan and agreement deviates substantially from the funding level provided in either or both [sections 2 and 3] for that project; or

(b) the scope of the project is substantially altered or revised from the concept and intent for that project as presented to the 68th legislature.

(2) This section does not limit or restrict 17-7-211.

Section 9. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in either or both [sections 2 and 3] for potential inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy or utility savings and improvements, that project must be submitted to the energy conservation program for funding consideration by the SBECP. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the capital project. Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if available.

Section 10. Legislative consent. The appropriations authorized in [sections 1 through 27] constitute legislative consent for the capital projects contained in [sections 1 through 27] within the meaning of 18-2-102.

Section 11. Increase in state funding for program expansion or operations and maintenance. If an immediate or future increase in state funding for program expansion or operations and maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 68th legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

Section 12. Transfer of funds. By August 15, 2023, the department of administration shall make the following transfers:

(1) $41,420,091 from the capital developments long-range building program account established in 17-7-209 to the major repair long-range building program account established in 17-7-221.

(2) $2,000,000 from the capital developments long-range building program account established in 17-7-209 to the capitol projects land grant fund provided for in 18-2-107.

(3) $6,000,000 from the general fund to the capital developments long-range building program account established in 17-7-209.

Section 13. Section 15-65-121, MCA, is amended to read:

"**15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 60.3% to be used directly by the department of commerce*, in part to renovate the Miles City train depot*;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; and

(i) 2.7% or $1 million, whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), and to the Montana heritage preservation and development account pursuant to subsection (2)(i) are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L. 2021.)

15-65-121. (Effective July 1, 2027) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(h) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as

a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 63% to be used directly by the department of commerce;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; and

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h) are subject to appropriation by the legislature."

Section 14. Section 17-7-201, MCA, is amended to read:

"**17-7-201. Definitions.** In this part, the following definitions apply:

(1) (a) "Building" includes a:

(i) building, facility, or structure constructed or purchased wholly or in part with state money;

(ii) building, facility, or structure at a state institution;

(iii) building, facility, or structure owned or to be owned by a state agency, including the department of transportation.

(b) The term does not include a:

(i) building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement district;

(ii) facility or structure used as a component part of a highway or water conservation project.

(2) "Capital development" means a:

(a) renovation, construction, alteration, site, or utility project with a total cost of $2.5 million or more;

(b) new facility with a construction cost of $250,000 or more; or

(c) purchase of real property for which an appropriation is required to fund the purchase.

(3) "Construction" includes construction, repair, alteration, renovation, and equipping and furnishing during construction, repair, or alteration.

(4) "Division" means the architecture and engineering division of the department of administration.

(5) "High-performance building" means a building that integrates and optimizes all major high-performance building attributes, including but not limited to:

(a) energy efficiency;

(b) durability;

(c) life-cycle performance; and

(d) occupant productivity.

(6) (a) "Long-range building program-eligible building" means a building, facility, or structure *eligible for major repair account funding that*:

(i) *is* owned *or fully operated* by a state agency and for which the operation and maintenance are funded with state general fund money; or

(ii) ~~that~~ supports academic missions of the university system and for which the operation and maintenance are funded with current unrestricted university funds.

(b) The term does not include a building, facility, or structure:

(i) owned *or operated* by a state agency and for which the operation and maintenance are entirely funded with state special revenue, federal special revenue, or proprietary funds; or

(ii) that supports nonacademic functions of the university system and for which the operation and maintenance are funded from nonstate and nontuition sources.

(7) (a) "Major repair" means:

(i) a renovation, alteration, replacement, or repair project with a total cost of less than $2.5 million;

(ii) a site or utility improvement with a total cost of less than $2.5 million; or

(iii) a new facility with a total construction cost of less than $250,000.

(b) The term does not include operations and maintenance as defined in this section.

(8) (a) "New facility" means the construction of a new building on state property regardless of funding source and includes:

(i) an addition to an existing building; and

(ii) the enclosure of space that was not previously fully enclosed.

(b) The term does not include the replacement of state-owned space that is demolished or that is otherwise removed from state use if the total construction cost of the replacement space is less than $2.5 million.

(9) "Operations and maintenance" means operational costs and regular, ongoing, and routine repairs and maintenance funded in an agency operating budget that does not extend the capacity, function, or lifespan of a facility.

(10) "Replacement cost of existing long-range building program-eligible building" means the current replacement value of all long-range building program-eligible buildings included in the statewide facility inventory and condition assessment as provided in 17-7-202."

Section 15. Project management and supervision. Up to $2,000,000 is appropriated from the major repair long-range building program account to the architecture and engineering division for the purposes of contracted services or modified positions, and associated operating expenses, to expeditiously implement [sections 1 through 11]. The division is authorized to transfer the appropriation among the necessary fund types for supervision and project management.

Section 16. Appropriation for Gallatin college -- process. (1) For the biennium beginning July 1, 2023, there is appropriated to the department of administration $23.5 million of capital development funds and $22.5 million of authority only for construction of a facility for Gallatin college contingent on the following:

(a) The budget director shall adopt a plan for the development of Gallatin college through the process set forth in subsection (2).

(b) Funds must be raised for the $22.5 million of authority only capital project funding. The value of any land donated for the capital project may not be considered as part of meeting the fundraising requirement.

(c) Plan development, delivery, and adoption must be coordinated through the department of administration. All plan development efforts, content, and costs are the responsibility of the Montana university system.

(d) No capital development funding or authority for the capital project may be used for plan development or for land acquisition.

(e) The department of administration may not proceed with capital project procurement, planning, or design until the conditions in subsections (1)(a) and (1)(b) have been met.

(2) The process for the budget director to adopt a plan for Gallatin college is as follows:

(a) The Montana university system's plan must be presented through the department of administration to the budget director by September 30, 2023.

(b) The budget director shall review the plan submitted in subsection (2)(a) and may:

(i) adopt the plan; or

(ii) not adopt the plan and provide the university system with information detailing the reason the plan was not adopted.

(c) If the plan is not adopted pursuant to subsection (2)(b)(ii), the Montana university system has 60 days to respond to the budget director with amendments to the plan. The process in subsection (2)(b) will then be repeated until plan adoption or the budget director directs the department of administration to terminate the plan development effort.

(d) If the budget director directs the department of administration to terminate the plan development effort, the appropriation for capital development funds in subsection (1) will revert to the capital development fund and the appropriation for authority in subsection (1) will revert to its originating source.

(3) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (3) become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(c) For the biennium beginning July 1, 2023, $1,540,000 of general funds are appropriated to the Montana university system for the Gallatin college facility, provided the conditions of subsections (1) and (2) are met.

(d) If the budget director directs the department of administration to terminate the plan development effort under the provisions of subsection (2)(c), the appropriation of general fund for program expansion or operations and maintenance is reverted to the general fund and will not be included in the respective agency's base budget.

Section 17. Definitions. For the purposes of [sections 17 through 24], unless otherwise provided, the following definitions apply:

(1) "Emergency shelter" means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

(2) "Nonprofit corporation" means a domestic corporation, as designated in accordance with 35-2-126, that provides emergency shelter for the homeless.

Section 18. Emergency shelter facility infrastructure account -- use. (1) There is within the state special revenue fund provided for in 17-2-102 an account called the emergency shelter facility infrastructure account to provide grant funding to nonprofit corporations that provide emergency shelter for the homeless and for administrative costs related to administering the grants. The department of commerce shall administer the account.

(2) Up to 3% of the funds appropriated in [section 24] may be allocated for the department's administrative costs.

Section 19. Emergency shelter facility infrastructure grants authorization. (1) The department of commerce is authorized to make up to $5 million in grants to nonprofit corporations for emergency shelter, property acquisition, construction, shelter space acquisition, or general capital improvement projects. The grants authorized in this section are subject to the conditions set forth in [section 21].

(2) The department of commerce must receive proposals from nonprofit corporations for emergency shelter facility infrastructure projects.

(3) Funding for projects may be provided only as long as there are sufficient funds available from the amount that was deposited or transferred into the emergency shelter facility infrastructure account for grants established in [section 18(1)]. Funding for these projects must be made available in the order that the grant recipients satisfy the conditions described in [section 21].

Section 20. Eligibility -- submission deadline -- priority -- rulemaking authority. (1) A nonprofit corporation may apply to the department of commerce for emergency shelter facility infrastructure grants under [section 19].

(2) Nonprofit corporations shall submit grant applications to the department in order to be eligible for funding under [section 19].

(3) The department is authorized to adopt rules or guidelines necessary to implement [sections 17 through 24].

Section 21. Condition of grants -- disbursement of funds. (1) The disbursement of grant funds for the projects chosen by the department of commerce pursuant to [section 19] is subject to completion of the following conditions:

(a) For grants in an amount of $25,000 or more, the grant recipient shall document the availability of matching funds or in-kind contributions of assets with an appraised value from private sources representing at least $1 in value for each $1 of the grant.

(b) The grant recipient shall execute a grant agreement with the department of commerce that includes a project management plan and reporting requirements to track the outcomes of allocated grants.

(c) The grant recipient shall satisfy other specific requirements considered necessary by the department of commerce to accomplish the purpose of the project as evidenced by the application to the department.

(2) Projects must adhere to the design standards required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any design standards must comply with generally accepted industry standards.

(3) If actual project expenses are lower than the projected expense of the project, the department shall reduce the amount of grant funds to be provided to grant recipients.

Section 22. Maximum state funding available -- per project -- per county. (1) The maximum amount of state funding allocated to entities within any individual county under [sections 17 through 24] may not exceed $750,000.

(2) If total applications within a specific jurisdiction exceed the maximum amount allowed, the department shall include input from local elected officials in their ranking criteria for those applications.

Section 23. Transfer of funds. By July 1, 2023, the state treasurer shall transfer $5 million from the general fund to the emergency shelter facility infrastructure account established in [section 18].

Section 24. Appropriation. There is appropriated $5 million for the biennium beginning July 1, 2023, from the emergency shelter facility infrastructure account established in [section 18] to the department of commerce for grants as authorized in [sections 17 through 24].

Section 25. Montana public safety development center state special revenue account. (1) There is a Montana public safety development center account in the state special revenue fund to be administered by the department of military affairs.

(2) The purpose of the account is to provide funding for sustainment of the Montana public safety development center.

(3) There must be deposited in the account:

(a) any revenue generated by use of the facility, including:

(i) classroom rental;

(ii) property rental;

(iii) site training packages; and

(iv) Montana public safety development center memberships;

(b) any legislative appropriations for operations and maintenance; and

(c) gifts, grants, or donations for the purpose of supporting the Montana public safety development center.

Section 26. Capital development project appropriations and authorization. (1) There is appropriated to the department of administration $5 million of capital development funds and $5 million of federal special revenue for the biennium beginning July 1, 2023, for construction of a facility for the department of military affairs Montana public safety development center, contingent on the following:

(a) The formation of a steering committee to decide the priorities of the Montana public safety development center. The committee will be made up of a representative from each of the following:

(i) Montana fire chiefs association;

(ii) Montana sheriffs and peace officers association;

(iii) department of military affairs, division of disaster and emergency services, who serves as the committee chair;

(iv) county attorney office; and

(v) Montana refinery representative.

(b) The budget director shall adopt a plan for the development and operations of the Montana public safety development center.

(c) Plan development, delivery, and adoption must be coordinated through the department of administration. All plan development efforts, content, and costs are the responsibility of the department of military affairs and the steering committee created under subsection (1)(a).

(d) The plan must be submitted to the legislative fiscal analyst. The documents must be provided in a digital format and must be distributed by the legislative fiscal analyst to legislative finance committee within 90 days of receipt of the plan documents. The department of military affairs shall make a presentation of the final plan documents to the members of the legislative finance committee.

(2) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this subsection (2) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (2) become part of the department of military affairs' base budget for the biennium beginning July 1, 2025.

(c) There is appropriated $360,000 from the general fund and $400,000 from the state special revenue account established in [section 25] for the biennium beginning July 1, 2025, to the department of military affairs for program expansion or operations and maintenance for the Montana public safety development center.

Section 27. Appropriation. For the fiscal year beginning July 1, 2024, there is appropriated $7,169,257 from general fund to the department of corrections to increase provider rates to allow for the construction of a special services facility.

Section 28. Section 2, Chapter 461, Laws of 2021, is amended to read:

Section 2. Major repair projects appropriations and authorizations. The portion of section 2(1), Chapter 461, Laws of 2021, appropriating money from the major repair account to the department of administration for the indicated major repair project is amended to read:

"*MSU BLGS Art Annex* ~~Safety and System Upgrades~~ *Demolition*
~~1,200,000~~ *500,000* ~~$1,200,000~~ *500,000*"

Section 29. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 30. Section 1, Chapter 468, Laws of 2021, is amended to read:

Section 1. Authorizations of and appropriations for capital projects. The portion of section 1(4)(c), Chapter 468, Laws of 2021, appropriating money from the general fund to the Montana university system for program expansion or operations and maintenance for the indicated new facility is amended to read:

"Montana University System

UM Forestry Conservation / Science Lab	$798,659 from the general fund
MAES Research ~~and Wool~~ Laboratories	~~$389,402~~ *$305,298* from the general fund"

Section 31. Coordination instruction. If House Bill No. 839 is not passed and approved, then [sections 25 and 26 of this act] are void.

Section 32. Coordination instruction. If House Bill No. 12 is passed and approved, then the following projects and applicants are authorized for historic preservation grants in the amounts indicated, and, if included in House Bill No. 12, the authorization for grants for those same projects in House Bill No. 12 is void:

Rank	Project/Applicant	Grant Amount
1	Harlowton Roundhouse City of Harlowton	$375,000
49	Walkerville Community Market Walkerville Market	$25,000

Section 33. Effective date. [This act] is effective on passage and approval.

Section 34. Termination. [Section 13] terminates June 30, 2025.

Approved May 23, 2023

CHAPTER NO. 764

[HB 816]

AN ACT GENERALLY REVISING THE DISTRIBUTION OF SURPLUS REVENUE; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A SUPPLEMENTAL FUND TRANSFER FOR THE INCOME TAX REBATE THAT IS BASED ON INDIVIDUAL INCOME TAXES PAID; PROVIDING FOR A SUPPLEMENTAL PROPERTY TAX REBATE; PROVIDING AN APPROPRIATION; PROVIDING FOR TRANSFERS; AMENDING SECTION 17-7-502, MCA; AMENDING SECTION 2, CHAPTER 44, LAWS OF 2023, AND SECTION 1, CHAPTER 47, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Property tax rebate. (1) A taxpayer that is entitled to a rebate of Montana property taxes paid pursuant to [sections 1 through 3 of House Bill No. 222] may increase the dollar amount limits of the rebates in [section 2(1)(a) and (1)(b) of House Bill No. 222] by the bonus amounts provided in subsection (2). In administering the rebate, the department shall add the

bonus to the dollar amount limitations for tax year 2022 and tax year 2023 and update any rebate forms to reflect the additional amount.

(2) (a) Subject to subsection (2)(d), the amount of the bonus for tax year 2022 is half of the amount provided for in subsection (2)(c).

(b) Subject to subsection (2)(c), the amount of the bonus for tax year 2023 is half of the amount provided for in subsection (2)(c).

(c) The preliminary bonus amount is the quotient of the appropriation in [section 6] divided by 284,343.

(d) The department shall round the quotients provided for in subsections (2)(a) and (2)(b) downward to the nearest $1.

(3) The bonus provided for in this section is administered as part of the property tax rebate provided for in [House Bill No. 222]. Any property tax rebate received that is based on this section is exempt from taxation under this chapter.

Section 2. Supplemental Montana surplus rebate account fund transfer. The state treasurer shall transfer $35 million from the general fund to the Montana surplus rebate account in the state special revenue fund created by [section 1 of House Bill No. 192], and provided for in 17-2-102, by July 1, 2023. This transfer supplements the transfer provided for in [section 1 of House Bill No. 192] and must be used in accordance with Chapter 44, Laws of 2023.

(2) The supplemental amount provided for in subsection (1) is statutorily appropriated, as provided in 17-7-502, to the department of revenue.

Section 3. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; *[section 2];* 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505;

[85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 4. Section 2, Chapter 44, Laws of 2023, is amended to read:

"Section 4. Individual income tax rebate. (1) By December 31, 2023, the department of revenue shall issue, to a qualified taxpayer who incurred individual income tax liability in Montana in 2021, a one-time income tax rebate in an amount equal to the lesser of:

(a) the qualified taxpayer's 2021 individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return; or

(b) an amount based on the taxpayer's 2021 filing status, equal to:

(i) for a single taxpayer, a head of household, or a married taxpayer filing a separate return, $1,250; or

(ii) for a married couple filing a joint return, $2,500.

(2) The department may not issue a rebate pursuant to this section that exceeds the taxpayer's individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return.

(3) (a) Except as provided in subsection (3)(b), the department shall issue rebates provided for in this section electronically or by mailing a check to the taxpayer's mailing address based on the taxpayer's refund instructions.

(b) A rebate provided for in this section must first be credited against any outstanding liability for which the department withholds a tax refund existing at the time the refund is issued.

(4) As provided in 15-30-2110(2)(u), a rebate provided for in this section is not taxable income.

(5) (a) As used in this section, the term "qualified taxpayer" means an individual who was a resident as defined in 15-30-2101 for the entire income tax year beginning January 1, 2021, and who filed a Montana individual income tax return for income tax years 2020 and 2021 by the due date for filing the return for income tax year 2021, including any extensions ~~that have been granted~~ *authorized pursuant to 15-30-2604(1)(b) and (3), respectively*.

(b) The term does not include:

(i) a taxpayer who is a nonresident, as defined in 15-30-2101, who filed tax returns in 2020 or 2021 pursuant to 15-30-2104;

(ii) an individual who was claimed as a dependent by another taxpayer for federal or Montana income tax purposes for the 2021 tax year; or

(iii) a trust.

(6) As used in this section, the term "properly reported" means the amount reported on line 20 of the 2021 Montana individual income tax return filed by the due date for filing that return, including any extensions authorized pursuant to 15-30-2604(1)(b) and (3), or an amended 2021 Montana individual income tax return filed on or before May 1, 2023."

Section 5. Section 1, Chapter 47, Laws of 2023, is amended to read:

"Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Montana property taxes" means the ad valorem property taxes, special assessments, and other fees imposed on property classified under 15-6-134 that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling and that were assessed and paid by the taxpayer as follows:

(a) for tax year 2022, the amount of Montana property taxes assessed and paid is equal to the total amount billed by the local government for the dwelling as shown on the 2022 property tax bill received by the *taxpayer;* ~~taxpayer with a first-half payment due in or around November 2022 and a second-half payment due in or around May 2023~~*; and*

(b) for tax year 2023, the amount of Montana property taxes assessed and paid is equal to the total amount billed by the local government for the dwelling as shown on the 2023 property tax bill received by the taxpayer ~~with a first-half payment due in or around November 2023 and a second-half payment due in or around May 2024~~.

(2) "Owned" includes purchasing under a contract for deed and being the grantor or grantors under a revocable trust indenture.

(3) (a) "Principal residence" is, subject to the provisions of subsection (3)(b), a dwelling:

(i) in which a taxpayer can demonstrate the taxpayer owned and lived in for at least 7 months of the year for which the rebate is claimed;

(ii) that is the only residence for which the property tax rebate is claimed; and

(iii) for which the taxpayer made payment of the assessed Montana property taxes during tax year 2022 and tax year 2023.

(b) A taxpayer that cannot meet the requirements of subsection (3)(a)(i) because the taxpayer's principal residence changes during the tax year to another principal residence may still claim a rebate if the taxpayer paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for each tax year.

(4) "Tax year 2022" means the period January 1, 2022, through December 31, 2022.

(5) "Tax year 2023" means the period January 1, 2023, through December 31, 2023."

Section 6. Appropriation -- property tax rebate. (1) There is appropriated $100 million from the general fund to the department of revenue for the biennium beginning July 1, 2023.

(2) The appropriation must be used to supplement property tax rebates as provided in [section 1].

Section 7. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [sections 1 and 2].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective on passage and approval.

Section 10. Termination. (1) [Sections 2, 3, and 4] terminate December 31, 2025.

(2) [Sections 1 and 5] terminate June 30, 2025.

Approved June 5, 2023

CHAPTER NO. 765

[HB 817]

AN ACT PROVIDING FOR CAPITAL PROJECTS; PROVIDING FUNDING FOR WORKFORCE HOUSING AND WORKFORCE INFRASTRUCTURE; PROVIDING FOR CONTINGENT VOIDNESS; PROVIDING APPROPRIATIONS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 5], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university funds.

(2) "Capital development" means capital projects provided for in 17-7-201(2).

(3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 5].

(4) "LRBP capital development" or "LRBP CD" means the long-range building program capital developments account in the capital projects fund type provided for in 17-7-209.

(5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair account in the capital projects fund type provided for in 17-7-221.

(6) "Major repair" means capital projects provided for in 17-7-201(7).

(7) "Other funding sources" means money other than LRBP money, state special revenue, or federal special revenue that accrues to an agency under the provisions of law.

Section 2. Appropriations and project prioritization. (1) (a) For the biennium beginning July 1, 2023, the following money is appropriated to the department of administration for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP MR Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC MSP Perimeter Fence Enhancement	1,500,000				1,500,000
DOC MSP Red/Light Emergency Notification System	1,000,000				1,000,000

(b) For the biennium beginning July 1, 2023, the following money is appropriated to the department of administration for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC MSP Replace Low-Side Housing	156,000,000				156,000,000
DOC MSP Water Line Replacement	3,000,000				3,000,000
DOC MSP Unit F Water Supply Upgrade	600,000				600,000
DOC MSP Unit D Renovation	18,840,831				18,840,831

(c) The department of administration shall prioritize the projects in this section at the Montana state prison as to priority and shall move at all deliberate speed to have each project under contract by September 30, 2023.

(d) The department of administration may adjust the funding among these projects within the legislative intent on approval of the office of budget and program planning.

(2) To expedite construction of new low-side housing units at the Montana state prison, the department of administration, in consultation with the department of corrections, is authorized to purchase plans for prison housing that was constructed in another state, provided the plans can be made to comply with the professional services requirements of Title 18, chapter 2, and Title 37, chapters 65 and 67.

(3) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this

subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (3) become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(c) The following money is appropriated for the biennium beginning July 1, 2023, to the department of corrections from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Agency/Project	General Fund Revenue	State Special Revenue	Federal Special Sources	Authority Only	Total
DOC MSP Replace Low-Side Housing	176,560				176,560

Section 3. Planning and design. The department of administration may proceed with the planning and design of capital projects in [section 2] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 4. Capital projects -- contingent funds. (1) If a capital project is financed in whole or in part with appropriations contingent on the receipt of other funding sources, the department of administration may not let the project for bid until a financial plan and agreement with the agency has been approved by the director of the department of administration. A financial plan and agreement may not be approved by the director if:

(a) the level of funding and authorization provided under the financial plan and agreement deviates substantially from the funding level provided in [section 2] for that project; or

(b) the scope of the project is substantially altered or revised from the concept and intent for that project as presented to the 68th legislature.

(2) This section does not limit or restrict 17-7-211.

Section 5. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [section 2] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy or utility savings and improvements, that project must be submitted to the energy conservation program for funding consideration by the state building energy conservation program. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount must be dependent on the annual utility savings resulting from the capital project. Agencies must be notified of potential funding after the review and are obligated to utilize the state building energy conservation program funding, if available.

Section 6. Legislative consent. The appropriations authorized in [sections 1 through 5] constitute legislative consent for the capital projects contained in [sections 1 through 5] within the meaning of 18-2-102.

Section 7. Workforce housing appropriations -- eligible uses of funds. There is appropriated $13 million from the general fund to the board of investments for the biennium beginning July 1, 2023. The purpose of the funds is to advance the construction of workforce housing of employees who work at facilities that house state inmates or behavioral health patients.

(2) Funds must be distributed to those living in counties that have a population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the facility is located

in a county that has a population that does not exceed 15,000 inhabitants. The distribution must be made pro rata based on the annual average facility population for the fiscal year beginning July 1, 2021, and the number of workers residing in each eligible county.

(3) Eligible uses of the funds include:

(a) buying down construction interest on employee housing; or

(b) providing funds to discount housing costs to employees who work in facilities that house, on an annual average, at least 100 state inmates or behavioral health patients, and the facility is located in a county that has a population that does not exceed 15,000 inhabitants.

Section 8. Workforce housing appropriations for infrastructure. (1) There is appropriated $12 million from the general fund to the board of investments for the biennium beginning July 1, 2023. The purpose of the funds is to make loans or other financial arrangements for the construction of infrastructure for workforce housing of employees who work at state-owned facilities that house state inmates or behavioral health patients.

(2) The board of investments may make loans from the appropriations to an eligible government unit as defined in 17-5-1604 or an applicant for residential development located within an area that meets the criteria of subsection (4) to cover the costs of demolition or expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development.

(3) For the costs of an infrastructure project to be eligible to be paid by the proceeds of a loan or bonds or other securities of an eligible government unit as defined in 17-5-1604, the infrastructure project must provide for residential development at a minimum gross density of 10 units for each acre.

(4) Funds must be loaned to those living in counties that have a population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the facility is located in a county that has a population that does not exceed 15,000 inhabitants.

Section 9. Appropriations. There is appropriated $3,942,000 from the general fund to the department of corrections in each fiscal year of the biennium beginning July 1, 2023, to contract for 120 prison beds.

Section 10. Coordination instruction. (1) If both House Bill No. 5 and [this act] are passed and approved and any project in [this act] is also fully funded by an appropriation in House Bill No. 5, then the appropriation for the project in House Bill No. 5 is void.

(2) If both House Bill No. 819 and [this act] are passed and approved and House Bill No. 819 contains at least $25 million targeted to workforce housing, then [sections 7 and 8 of this act] are void.

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Contingent voidness. If both [this act] and Senate Bill No. 95 are passed and approved and [this act] does not provide for an appropriation of at least $3,942,000 from the general fund in each fiscal year of the biennium beginning July 1, 2023, to the department of corrections to contract for 120 prison beds, then Senate Bill No. 95 is void.

Section 13. Effective date. [This act] is effective on passage and approval.

Approved June 5, 2023

CHAPTER NO. 766

[HB 941]

AN ACT ESTABLISHING A DOG OBEDIENCE TRAINING AND SOCIALIZATION PROGRAM AT THE MONTANA STATE PRISON; PROVIDING ELIGIBILITY REQUIREMENTS FOR DOGS AND INMATES; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Dog obedience training and socialization program -- eligibility -- administration -- fees. (1) There is a dog obedience training and socialization program at the Montana state prison or any other state-owned or contracted prison facility for the purpose of promoting the well-being of inmates and increasing the adoptability of rescue dogs in the state. The program shall:

(a) partner with local organizations to source rescue dogs from within the state that are in need of basic obedience training and socialization and that meet the requirements of subsection (3);

(b) develop and follow policies and procedures that promote and protect the safety of inmates and dogs; and

(c) engage eligible inmates, under the direction of at least one certified professional dog trainer, in the training and socialization of the rescue dogs using current best practices.

(2) To be eligible to participate in the program, an inmate must:

(a) have no record of animal cruelty;

(b) be in compliance with required treatment; and

(c) meet any additional requirements prescribed by the department pursuant to subsection (5).

(3) To be eligible to participate in the program, a dog:

(a) must have current rabies and bordetella vaccines;

(b) must be in generally good health;

(c) may not pose an obvious risk to inmates and other dogs; and

(d) must meet any additional requirements prescribed by the department pursuant to subsection (5).

(4) The department may offer the dog obedience training and socialization program to members of the public and may set and charge a fee to a member of the public for the dog obedience training and socialization program.

(5) The department shall develop policies and procedures for the administration of the program, including eligibility criteria for inmates and dogs.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 23, and the provisions of Title 2, chapter 15, part 23, apply to [section 1].

Section 3. Effective date. [This act] is effective October 1, 2023.

Approved June 5, 2023

CHAPTER NO. 767

[SB 19]

AN ACT REVISING SENTENCING LAWS FOR DISORDERLY CONDUCT; AND AMENDING SECTION 45-8-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-8-101, MCA, is amended to read:

"**45-8-101. Disorderly conduct.** (1) A person commits the offense of disorderly conduct if~~:~~

~~(a)~~ the person knowingly disturbs the peace by:

~~(i)~~*(a)* quarreling, challenging to fight, or fighting;

~~(ii)~~*(b)* making loud or unusual noises;

~~(iii)~~*(c)* using threatening, profane, or abusive language;

~~(iv)~~*(d)* rendering vehicular or pedestrian traffic impassable;

~~(v)~~*(e)* rendering the free ingress or egress to public or private places impassable;

~~(vi)~~*(f)* disturbing or disrupting any lawful assembly or public meeting;

~~(vii)~~*(g)* transmitting a false report or warning of a fire or other catastrophe in a place where its occurrence would endanger human life;

~~(viii)~~*(h)* creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

~~(ix)~~*(i)* transmitting a false report or warning of an impending explosion in a place where its occurrence would endanger human life~~; or~~

~~(b) in the course of engaging in any of the conduct prohibited by subsections (1)(a)(i) through (1)(a)(vi), a peace officer recognizes the person's conduct creates an articulable public safety risk~~.

(2) ~~(a)~~ Except as provided in ~~subsections (2)(b), (3), and (4)~~ *subsection (3)*, a person convicted of the offense of disorderly conduct shall be fined an amount not to exceed $100 *or be imprisoned in the county jail for a term not to exceed 10 days, or both*.

~~(b) A person convicted of a second or subsequent violation of subsections (1)(a)(i) through (1)(a)(vi) within 1 year shall be fined an amount not to exceed $100 or be imprisoned in the county jail for a term not to exceed 10 days, or both.~~

(3) A person convicted of a violation of ~~subsections~~ *subsection* (1)*(i)*~~(a)(vii) through (1)(a)(ix)~~ shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

~~(4) A person convicted of a violation of subsection (1)(b) shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 1 day, or both.~~"

Approved June 7, 2023

CHAPTER NO. 768

[SB 351]

AN ACT REVISING LAWS RELATED TO BIOMETRIC PRIVACY; CREATING THE GENETIC INFORMATION PRIVACY ACT; REQUIRING AN ENTITY TO PROVIDE CONSUMER INFORMATION REGARDING THE COLLECTION, USE, AND DISCLOSURE OF GENETIC DATA; PROVIDING FOR LIMITATIONS AND EXCLUSIONS; PROVIDING FOR ENFORCEMENT AUTHORITY; AND PROVIDING DEFINITIONS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 6] may be cited as the "Genetic Information Privacy Act".

Section 2. Definitions. As used in [sections 1 through 6], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Biological sample" means any human material known to contain DNA, including tissue, blood, urine, or saliva.

(2) "Consumer" means an individual who is a resident of this state.

(3) "DNA" means deoxyribonucleic acid.

(4) "Entity" means a partnership, corporation, association, or public or private organization of any character that:

(a) offers consumer genetic testing products or services directly to a consumer; or

(b) collects, uses, or analyzes genetic data.

(5) "Express consent" means a consumer's affirmative response to a clear, meaningful, and prominent notice regarding the collection, use, or disclosure of genetic data for a specific purpose.

(6) (a) "Genetic data" means any data, regardless of format, concerning a consumer's genetic characteristics.

(b) The term includes but is not limited to:

(i) raw sequence data that result from sequencing all or a portion of a consumer's extracted DNA;

(ii) genotypic and phenotypic information obtained from analyzing a consumer's raw sequence data; and

(iii) self-reported health information regarding a consumer's health conditions that the consumer provides to an entity that the entity:

(A) uses for scientific research or product development; and

(B) analyzes in connection with the consumer's raw sequence data.

(7) "Genetic testing" means:

(a) a laboratory test of a consumer's complete DNA, regions of DNA, chromosomes, genes, or gene products to determine the presence of genetic characteristics of a consumer; or

(b) an interpretation of a consumer's genetic data.

(8) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(9) "Person" means an individual, partnership, corporation, association, business, business trust, or legal representative of an organization.

(10) "Processor" means a person that processes genetic data on behalf of an entity pursuant to a contract between the entity and the processor that prohibits the processor from retaining, using, or disclosing the genetic data, or any information regarding the identity of the consumer, including whether that consumer has solicited or received genetic testing, as applicable, for any purpose other than for the specific purpose of performing the services specified in the contract.

(11) "Third party" means a person other than the consumer, entity, or processor.

Section 3. Exceptions. (1) [Sections 1 through 6] do not apply to:

(a) protected health information that is collected by a covered entity or business associate as those terms are defined in 45 CFR, parts 160 and 164, if separate informed consent related to the collection, use, and dissemination of genetic data is obtained from the consumer, parent, guardian, or power of attorney, and the covered entity or business associate follows the policies under [sections 4(6)(a) through (6)(d)];

(b) an entity when it is engaged only in collecting, using, or analyzing genetic data or biological samples in the context of research as defined in 45 CFR 164.501 conducted with the express consent of an individual and in accordance with:

(i) the federal policy for the protection of human research subjects under 45 CFR, part 46, the good clinical practice guideline issued by the international

council for harmonisation of technical requirements for pharmaceuticals for human use; or

(ii) the United States food and drug administration policy for the protection of human subjects under 21 CFR, parts 50 and 56; or

(c) uses by a governmental agency.

(2) Beginning June 1, 2025, any collection, storage, use, or dissemination of genetic data by a governmental agency must be performed in accordance with a specific state law or executed through a search warrant.

Section 4. Consumer genetic data -- privacy notice -- consent -- access -- deletion -- destruction. To safeguard the privacy, confidentiality, security, and integrity of a consumer's genetic data, an entity shall:

(1) provide clear and complete information regarding the entity's policies and procedures for the collection, use, or disclosure of genetic data by making available to a consumer:

(a) a high-level privacy policy overview that includes basic, essential information about the entity's collection, use, or disclosure of genetic data; and

(b) a prominent, publicly available privacy notice that includes, at a minimum, information about the entity's data collection, consent, use, access, disclosure, transfer, security, and retention and deletion practices for genetic data;

(2) obtain initial express consent from a consumer, parent, guardian, or power of attorney for the collection, use, or disclosure of the consumer's genetic data that:

(a) clearly describes the entity's use of the genetic data that the entity collects through the entity's genetic testing product or service;

(b) specifies the categories of individuals within the entity that have access to test results; and

(c) specifies how the entity may share the genetic data;

(3) if the entity engages in any of the following, obtain a consumer's:

(a) separate express consent for:

(i) the transfer or disclosure of the consumer's genetic data or biological sample to any third party other than the entity's processors, including the name of the third party to which the consumer's genetic data or biological sample will be transferred or disclosed with the consumer's express consent;

(ii) the use of genetic data beyond the primary purpose of the entity's genetic testing product or service and inherent contextual uses; or

(iii) the entity's retention of any biological sample provided by the consumer following the entity's completion of the initial testing service requested by the consumer;

(b) informed express consent for transfer or disclosure of the consumer's genetic data to third party persons for:

(i) research purposes; or

(ii) research conducted under the control of the entity for the purpose of publication or generalizable knowledge; and

(c) express consent for:

(i) marketing to a consumer based on the consumer's genetic data;

(ii) marketing by a third-party person to a consumer based on the consumer having ordered or purchased a genetic testing product or service. Marketing does not include the provision of customized content or offers on the websites or through the applications or services provided by the entity with the first-party relationship to the consumer; or

(iii) sale or other valuable consideration of the consumer's genetic data.

(4) comply with the provisions of 44-6-104 requiring a valid legal process for disclosing genetic data to law enforcement or any other government agency without a consumer's express consent;

(5) develop, implement, and maintain a comprehensive security program to protect a consumer's genetic data against unauthorized access, use, or disclosure; and

(6) provide a process for a consumer to:

(a) access the consumer's genetic data;

(b) delete the consumer's genetic data;

(c) revoke any consent provided by the consumer; and

(d) request and obtain the destruction of the consumer's biological sample.

(7) Genetic data and biometric samples of Montana residents collected in the state may not be stored within the territorial boundaries of any country currently sanctioned in any way by the United States office of foreign asset control or designated as a foreign adversary under 15 CFR 7.4(a). Genetic data or biometric data of Montana residents collected in the state may only be transferred or stored outside the United States with the consent of the resident.

Section 5. Disclosure -- when prohibited -- when express consent required. (1) The disclosure of genetic data pursuant to [sections 1 through 6] must comply with all state and federal laws for the protection of privacy and security.

(2) Notwithstanding any other provisions in [section 4], an entity may not disclose a consumer's genetic data to any entity offering health insurance, life insurance, or long-term care insurance, or to any employer of the consumer without the consumer's express consent.

Section 6. Enforcement. (1) The attorney general has the sole authority to enforce [sections 1 through 6].

(2) The attorney general may initiate a civil enforcement action against a person for violation of [sections 1 through 6].

(3) In an action to enforce [sections 1 through 6], the attorney general may recover:

(a) actual damages to the consumer;

(b) costs;

(c) reasonable attorney fees; and

(d) $2,500 for each violation of [section 4].

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 30, and the provisions of Title 30 apply to [sections 1 through 6].

Approved June 7, 2023

CHAPTER NO. 769

[HB 2]

AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2025; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2023".

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying

this bill, showing first level expenditures and funding for the 2025 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the Legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2027 biennium. The Office of Budget and Program Planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The Office of Budget and Program Planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

Section 5. Appropriation Control. The Office of Budget and Program Planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for the funding included in each Executive Branch agency's budget to pay fixed cost allocations for the State Information Technology Services Division of the Department of Administration. The appropriations must be designated as restricted.

Section 6. Program definition. As used in [this act], "program", which has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

Section 7. Personal services funding -- 2027 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2025 biennium submitted under Title 17, chapter 7, part 1, by each Executive, Judicial, and Legislative Branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by fund or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2027 biennium submitted by November 1 to the legislative fiscal analyst by the Office of Budget and Program Planning.

(2) The provisions of subsection (1) do not apply to the Montana University System.

Section 8. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 9. Effective date. [This act] is effective July 1, 2023.

Section 10. Appropriations. The following money is appropriated for the respective fiscal years:

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
A. GENERAL GOVERNMENT											
LEGISLATIVE BRANCH (11040)											
1. Legislative Services Division (20)											
14,915,523	249,523	0	0	0	15,165,046	15,192,840	51,028	0	0	0	15,243,868
a. Session Financial Automation Project (Restricted/OTO)											
1,196,250	0	0	0	0	1,196,250	1,030,750	0	0	0	0	1,030,750
b. Legal Services (Biennial/OTO)											
25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
2. Legislative Committees and Activities (21)											
1,868,192	0	0	0	0	1,868,192	1,133,601	0	0	0	0	1,133,601
3. Fiscal Analysis and Review (27)											
3,246,888	0	0	0	0	3,246,888	3,324,747	0	0	0	0	3,324,747
a. Pension Actuarial Analysis (OTO)											
65,000	0	0	0	0	65,000	50,000	0	0	0	0	50,000
4. Audit and Examination (28)											
3,443,101	2,177,842	0	0	0	5,620,943	3,442,886	2,175,742	0	0	0	5,618,628
Total											
24,759,954	2,427,365	0	0	0	27,187,319	24,199,824	2,226,770	0	0	0	26,426,594

All appropriations for the Legislative Branch are biennial.

The Legislative Services Division includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

Unspent appropriations in HB 2 for the Session Financial Automation Project must be transferred into the Legislative Branch reserve account defined in 5-11-407 by June 30, 2025.

Audit and Examination includes general fund appropriations of $125,396 in FY 2024 and $125,396 in FY 2025 and state special revenue reductions of $185,854 in FY 2024 and $185,854 in FY 2025. The increase in general fund and reduction of state special revenue is contingent on the passage and approval of HB 132.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

It is the intent of the Legislature that, absent clear evidence that the Pension Actuarial Analysis contract has not been sufficiently utilized at the end of the 2025 biennium, the same funding, adjusted for inflation, be included as one-time-only in the Legislative Fiscal Division's budget request for the 2027 biennium. It is the intent of the Legislature that the 2025 Legislature evaluate the results of the actuarial analyses utilized during the 2025 biennium.

It is the intent of the Legislature that the Legislative Services Division report to the General Government Interim Budget Committee at each quarterly meeting during the interim on its progress in hiring FTE that were requested as new proposals and that received personal services appropriations in the 2025 biennium. It is the intent of the Legislature that the Legislative Services Division report to the General Government Interim Budget Committee at each quarterly meeting during the interim on its expenditures from its new Legal Services and information technology projects appropriations in the 2025 biennium.

If HB 260 is not passed and approved with at least one additional personal staff for the Speaker of the House of Representatives and at least one additional personal staff for the President of the Senate, Legislative Committees and Activities is reduced by $226,592 general fund in FY 2024 and $113,296 general fund in FY 2025.

CONSUMER COUNSEL (11120)

1. Administration Program (01)											
0	1,576,369	0	0	0	1,576,369	0	1,592,613	0	0	0	1,592,613
a. Caseload Contingency (Restricted/Biennial/OTO)											
0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
Total											
0	1,726,369	0	0	0	1,726,369	0	1,742,613	0	0	0	1,742,613

The Administration Program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

GOVERNOR'S OFFICE (31010)

1. Executive Office Program (01)											
3,394,695	0	0	0	0	3,394,695	3,404,013	0	0	0	0	3,404,013
2. Executive Residence Operations Program (02)											
49,093	0	0	0	0	49,093	129,740	0	0	0	0	129,740
3. Office of Budget and Program Planning (04)											
3,226,292	0	0	0	0	3,226,292	3,238,363	0	0	0	0	3,238,363
a. Legislative Audit (Restricted/Biennial)											
91,807	0	0	0	0	91,807	0	0	0	0	0	0

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4. Office of Indian Affairs (05)											
206,851	50,000	0	0	0	256,851	208,058	50,000	0	0	0	258,058
5. Mental Disabilities Board of Visitors (20)											
475,632	0	0	0	0	475,632	477,109	0	0	0	0	477,109
Total											
7,444,370	50,000	0	0	0	7,494,370	7,457,283	50,000	0	0	0	7,507,283

The Executive Office Program, Executive Residence Operations Program, Office of Budget and Program Planning, Office of Indian Affairs, and Mental Disabilities Board of Visitors include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

COMMISSIONER OF POLITICAL PRACTICES (32020)

1. Administration Program (01)											
870,426	0	0	0	0	870,426	875,311	0	0	0	0	875,311
a. Legislative Audit (Restricted/Biennial)											
22,392	0	0	0	0	22,392	0	0	0	0	0	0
Total											
892,818	0	0	0	0	892,818	875,311	0	0	0	0	875,311

The Administration Program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

The Commissioner of Political Practices includes an increase in general fund of $6,560 in FY 2024 and $8,173 in FY 2025. The increase was provided to offset inflationary impacts.

If HB 774 is passed and approved, the Commissioner of Political Practices is increased by $90,170 general fund in FY 2024 and $84,570 general fund in FY 2025, and the Commissioner of Political Practices may increase full-time equivalent positions authorized in HB 2 by 1.50 FTE in FY 2024 and 1.50 FTE in FY 2025.

OFFICE OF THE STATE AUDITOR (34010)

1. Central Management Division (01)											
0	2,241,966	0	0	0	2,241,966	0	2,249,550	0	0	0	2,249,550

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Legislative Audit (Restricted/Biennial)											
0	13,944	0	0	0	13,944	0	0	0	0	0	0
2. Insurance Program Division (03)											
0	15,565,325	34,100,000	0	0	49,665,325	0	15,601,501	34,100,000	0	0	49,701,501
a. Legislative Audit (Restricted/Biennial)											
0	40,088	0	0	0	40,088	0	0	0	0	0	0
b. Captive Regulatory Fund (OTO)											
0	50,000	0	0	0	50,000	0	150,000	0	0	0	150,000
c. Exams Bureau (OTO)											
0	220,000	0	0	0	220,000	0	320,000	0	0	0	320,000
d. Market Conduct Exams (OTO)											
0	1,000,000	0	0	0	1,000,000	0	1,000,000	0	0	0	1,000,000
e. HB 291 Defrayal Benefit Mandated Costs (Restricted)											
20,000	0	0	0	0	20,000	20,000	0	0	0	0	20,000
3. Securities Program Division (04)											
0	1,490,670	0	0	0	1,490,670	0	1,500,162	0	0	0	1,500,162
a. Legislative Audit (Restricted/Biennial)											
0	10,457	0	0	0	10,457	0	0	0	0	0	0
b. Case Management Software (Biennial/OTO)											
0	100,000	0	0	0	100,000	0	0	0	0	0	0
Total											
20,000	20,732,450	34,100,000	0	0	54,852,450	20,000	20,821,213	34,100,000	0	0	54,941,213

The Central Management Division, Insurance Program Division, and Securities Program Division include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 62 is passed and approved, the State Auditor's Office is increased by $3,840 state special revenue in FY 2024 and $3,840 state special revenue in FY 2025.

If HB 758 is passed and approved, the State Auditor's Office is increased by $4,852,080 general fund in FY 2024 and $9,704,160 general fund in FY 2025. Appropriations are restricted to the purposes included in the bill.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 808 is passed and approved, the State Auditor's Office is increased by $3,840 state special revenue in FY 2024 and $3,840 state special revenue in FY 2025.

If HB 836 is passed and approved, the State Auditor's Office is increased by $5,020 state special revenue in FY 2024 and $4,000 state special revenue in FY 2025.

If SB 516 is passed and approved, the State Auditor's Office is increased by $137,393 general fund in FY 2025.

DEPARTMENT OF REVENUE (58010)

1. Director's Office (01)											
7,680,670	369,744	0	174,714	0	8,225,128	7,733,676	371,403	0	178,203	0	8,283,282
a. Legislative Audit (Restricted/Biennial)											
206,007	0	0	0	0	206,007	0	0	0	0	0	0
b. SB 212 Funding Reappraisal Information to Taxpayers (Biennial)											
12,500	0	0	0	0	12,500	12,500	0	0	0	0	12,500
2. Technology Services Division (02)											
9,520,440	166,656	0	264,490	0	9,951,586	9,653,605	166,639	0	264,439	0	10,084,683
a. TSD Staff Overtime for GenTax Upgrade (Restricted/Biennial/OTO)											
100,000	0	0	0	0	100,000	0	0	0	0	0	0
3. Alcoholic Beverage Control Division (03)											
0	0	0	3,247,185	0	3,247,185	0	0	0	3,255,586	0	3,255,586
a. ABCD Overtime (Restricted/Biennial/OTO)											
0	0	0	75,000	0	75,000	0	0	0	75,000	0	75,000
b. ABCD Termination Payout (Restricted/Biennial/OTO)											
0	0	0	60,000	0	60,000	0	0	0	60,000	0	60,000
4. Cannabis Control Division (04)											
0	3,836,127	0	0	0	3,836,127	0	3,859,593	0	0	0	3,859,593
a. CCD Contract Increase (Restricted)											
0	1,125,400	0	0	0	1,125,400	0	1,625,400	0	0	0	1,625,400
5. Information Management and Collections Division (05)											
6,714,658	146,610	0	16,896	0	6,878,164	6,763,949	146,597	0	16,890	0	6,927,436

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
6. Business and Income Taxes Division (07)											
11,319,221	766,460	502,175	0	0	12,587,856	11,358,503	763,290	502,287	0	0	12,624,080
7. Property Assessment Division (08)											
24,574,178	17,276	0	0	0	24,591,454	24,733,662	17,276	0	0	0	24,750,938
Total											
60,127,674	6,428,273	502,175	3,838,285	0	70,896,407	60,255,895	6,950,198	502,287	3,850,118	0	71,558,498

Alcoholic Beverage Control Division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profits and taxes to appropriate accounts are appropriated from the liquor enterprise fund to the department in the amounts not to exceed $220 million in FY 2024 and $220 million in FY 2025. These costs are used to maintain adequate inventories necessary to meet statutory requirements, pay freight charges, and transfer profits and taxes to appropriate accounts.

The department is appropriated $2 million in the general fund each year of the 2025 biennium for payments to local governing bodies to 15-1-402(6)(d). Local governments may request partial reimbursement of protested taxes from the general fund if the final assessed value of a centrally assessed or industrial property is reduced less than 75% of the initial assessed value after resolution of an appeal.

Pursuant to 16-12-111, the Cannabis Control Division is appropriated an amount not to exceed $81 million in FY 2024 and $91.1 million in FY 2025 for transfers of cannabis revenue to other state special revenue funds and the general fund.

The Director's Office, Technology Services Division, Alcoholic Beverage Control Division, Information Management and Collections Division, Business and Income Taxes Division, and Property Assessment Division include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If both HB 2 and HB 128 are passed and approved, then [section 30] of HB 128 is void.

The Director's Office includes an increase in general fund of $56,099 in FY 2024 and $70,505 in FY 2025, state special revenue of $7,726 in FY 2024 and $8,633 in FY 2025, and proprietary funds of $18,955 in FY 2024 and $22,453 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 189 is passed and approved, the Department of Revenue is increased by $77,132 general fund in FY 2024 and $50,348 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 0.50 FTE in FY 2025.

If HB 192 is passed and approved, the Department of Revenue is increased by $692,617 state special revenue in FY 2024, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 6.00 FTE in FY 2024.

If HB 223 is passed and approved, the Department of Revenue is increased by $75,354 general fund in FY 2024 and $2,380 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024.

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 828 is passed and approved, the Department of Revenue is increased by $548,347 general fund in FY 2024 and $96,793 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If HB 906 is passed and approved, the Department of Revenue is increased by $2,164,196 general fund in FY 2024 and $153,915 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 27.00 FTE in FY 2024 and 2.00 FTE in FY 2025.

If HB 943 is passed and approved, the Department of Revenue is increased by $67,384 general fund in FY 2024 and $65,338 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If HB 948 is passed and approved, the Department of Revenue is increased by $213,139 state special revenue in FY 2024 and $210,231 state special revenue in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE in FY 2024 and 2.00 FTE in FY 2025.

If SB 14 is passed and approved, the Department of Revenue is increased by $405,328 general fund in FY 2024 and $196,460 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE in FY 2024 and 2.00 FTE in FY 2025.

If SB 529 is passed and approved, the Department of Revenue is increased by $93,347 general fund in FY 2024 and $91,793 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If SB 555 is passed and approved, the Department of Revenue is increased by $94,651 general fund in FY 2025, and the Department of Revenue may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2025.

If SB 530 is passed and approved, the Department of Revenue is increased by $6,000 general fund in FY 2024.

DEPARTMENT OF ADMINISTRATION (61010)

1. Director's Office (01)											
32,048,674	0	12,707	0	0	32,061,381	33,746,779	0	12,707	0	0	33,759,486
a. Establish the Office of Public Info Requests (OTO)											
202,319	0	0	0	0	202,319	0	0	0	0	0	0
2. Governor Elect Program (02)											
0	0	0	0	0	0	0	0	0	0	0	0
a. Governor Elect Appropriation (OTO)											
0	0	0	0	0	0	75,000	0	0	0	0	75,000
3. State Financial Services Division (03)											
3,267,250	224,642	5,828	80,374	0	3,578,094	3,289,445	232,245	5,828	80,370	0	3,607,888
a. Legislative Audit (Restricted/Biennial)											
0	309	0	0	0	309	0	0	0	0	0	0

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4. Architecture and Engineering Division (04)											
0	2,701,215	0	0	0	2,701,215	0	2,668,787	0	0	0	2,668,787
a. Legislative Audit (Restricted/Biennial)											
0	3,756	0	0	0	3,756	0	0	0	0	0	0
5. Banking and Financial Institutions Division (14)											
0	4,702,702	0	0	0	4,702,702	0	4,726,521	0	0	0	4,726,521
a. Legislative Audit (Restricted/Biennial)											
0	7,300	0	0	0	7,300	0	0	0	0	0	0
6. Montana State Lottery (15)											
0	0	0	6,347,328	0	6,347,328	0	0	0	6,334,942	0	6,334,942
a. Legislative Audit (Restricted/Biennial)											
0	0	0	149,492	0	149,492	0	0	0	0	0	0
7. State Human Resources Division (23)											
2,157,275	0	0	0	0	2,157,275	2,169,811	0	0	0	0	2,169,811
8. Montana Tax Appeal Board (37)											
713,904	0	0	0	0	713,904	715,773	0	0	0	0	715,773
Total											
38,389,422	7,639,924	18,535	6,577,194	0	52,625,075	39,996,808	7,627,553	18,535	6,415,312	0	54,058,208

The Director's Office, State Financial Services Division, Architecture and Engineering Division, Banking and Financial Institutions Division, Montana State Lottery, State Human Resources Division, and Montana Tax Appeal Board include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The State Financial Services Division includes an increase in general fund of $41,499 in FY 2024 and $51,589 in FY 2025 and state special revenue of $26,270 in FY 2024 and $32,615 in FY 2025. The Montana State Lottery includes an increase in proprietary funds of $34,205 in FY 2024 and $39,562 in FY 2025. The increases were provided to offset inflationary impacts. The Department of Administration may allocate these increases in funding among programs when developing 2025 biennium plans.

If HB 314 is passed and approved, the Department of Administration is increased by $1,000 proprietary funds in FY 2024 and $1,000 proprietary funds in FY 2025.

If SB 11 is passed and approved, the Department of Administration is increased by $907,600 general fund in FY 2024 and $62,000 general fund in FY 2025.

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF COMMERCE (65010)											
1. Business Montana Division (51)											
3,009,547	2,430,502	856,771	0	0	6,296,820	3,018,221	2,431,132	857,896	0	0	6,307,249
a. Legislative Audit (Restricted/Biennial)											
4,742	459	1,920	0	0	7,121	0	0	0	0	0	0
2. Brand Montana Division (52)											
0	289,792	0	0	0	289,792	0	291,415	0	0	0	291,415
a. Legislative Audit (Restricted/Biennial)											
0	54,255	0	0	0	54,255	0	0	0	0	0	0
3. Community Montana Division (60)											
1,409,498	4,817,886	8,189,097	0	0	14,416,481	1,408,576	4,823,989	8,191,259	0	0	14,423,824
a. Legislative Audit (Restricted/Biennial)											
4,808	5,877	4,114	0	0	14,799	0	0	0	0	0	0
4. Housing Montana Division (74)											
0	0	10,086,606	0	0	10,086,606	0	0	10,088,654	0	0	10,088,654
a. Legislative Audit (Restricted/Biennial)											
0	0	8,553	0	0	8,553	0	0	0	0	0	0
5. Board of Horseracing (78)											
0	203,237	0	0	0	203,237	0	203,989	0	0	0	203,989
a. Legislative Audit (Restricted/Biennial)											
0	532	0	0	0	532	0	0	0	0	0	0
b. Board of Horseracing Funding (Biennial)											
250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000
6. Montana Heritage Commission (80)											
0	2,442,567	0	0	0	2,442,567	0	2,456,641	0	0	0	2,456,641
a. Legislative Audit (Restricted/Biennial)											
0	3,956	0	0	0	3,956	0	0	0	0	0	0
7. Director's Office (81)											
721,192	31,078	608,508	0	0	1,360,778	727,973	36,382	610,854	0	0	1,375,209

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Legislative Audit (Restricted/Biennial)											
578	0	0	0	0	578	0	0	0	0	0	0
Total											
5,400,365	10,280,141	19,755,569	0	0	35,436,075	5,404,770	10,243,548	19,748,663	0	0	35,396,981

The Director's Office, Business Montana Division, Community Montana Division, Housing Montana Division, and Montana Heritage Commission include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The Director's Office includes an increase in general fund of $19,831 in FY 2024 and $23,207 in FY 2025, state special revenue of $22,103 in FY 2024 and $27,407 in FY 2025, and federal special revenue of $8,508 in FY 2024 and $10,854 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 19 is passed and approved, the Department of Commerce is increased by $59,661 general fund in FY 2024 and $56,361 general fund in FY 2025.

If HB 355 is passed and approved, the Department of Commerce is increased by $473,370 general fund in FY 2024 and $457,695 general fund in FY 2025, and the Department of Commerce may increase full-time equivalent positions authorized in HB 2 by 4.75 FTE in FY 2024 and 4.75 FTE in FY 2025.

If HB 819 is passed and approved, the Department of Commerce is increased by $56,235 one-time-only general fund in FY 2024 and $53,950 one-time-only general fund in FY 2025, and the Department of Commerce may increase full-time equivalent positions authorized in HB 2 by 0.50 FTE in FY 2024 and 0.50 FTE in FY 2025.

If SB 522 is passed and approved, the Department of Commerce is decreased by $75,505 state special revenue in FY 2024 and $81,258 state special revenue in FY 2025.

If HB 898 is passed and approved, the Department of Commerce is increased by $53,888 state special revenue in FY 2024, and the Department of Commerce may increase full-time equivalent positions authorized in HB 2 by 0.50 FTE in FY 2024.

If HB 314 is passed and approved, the Department of Commerce is increased by $1,250 state special revenue in FY 2024 and $1,250 state special revenue in FY 2025.

DEPARTMENT OF LABOR AND INDUSTRY (66020)

1. Workforce Services Division (01)											
271,895	13,000,331	15,784,056	0	0	29,056,282	271,895	13,078,914	15,834,659	0	0	29,185,468
2. Unemployment Insurance Division (02)											
0	6,615,975	11,924,680	0	0	18,540,655	0	6,923,414	11,692,861	0	0	18,616,275

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3. Commissioner's Office/Centralized Services Division (03)											
316,850	780,255	562,875	0	0	1,659,980	324,021	808,745	583,724	0	0	1,716,490
4. Employment Standards Division (05)											
1,723,143	33,098,913	1,251,766	0	0	36,073,822	1,734,959	33,347,166	1,258,450	0	0	36,340,575
a. Weights and Measures Equipment Request (OTO)											
0	2,300,000	0	0	0	2,300,000	0	0	0	0	0	0
5. Montana Community Services Division (07)											
152,187	12,388	4,004,411	0	0	4,168,986	153,707	12,388	4,007,085	0	0	4,173,180
a. OCS General Fund Match (OTO)											
102,648	0	0	0	0	102,648	57,551	0	0	0	0	57,551
6. Workers' Compensation Court (09)											
0	830,137	0	0	0	830,137	0	833,552	0	0	0	833,552
Total											
2,566,723	56,637,999	33,527,788	0	0	92,732,510	2,542,133	55,004,179	33,376,779	0	0	90,923,091

The Workforce Services Division, Unemployment Insurance Division, Employment Standards Division, and Workers' Compensation Court include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 292 is passed and approved, state special revenue appropriation in the Employment Standards Division is reduced by $277,942 in FY 2024 and $387,833 in FY 2025.

If SB 53 is not passed and approved, the Weights and Measures Equipment Request is void.

The Commissioner's Office/Centralized Services Division includes an increase in general fund of $2,685 in FY 2024 and $3,367 in FY 2025, state special revenue of $108,901 in FY 2024 and $133,042 in FY 2025, and federal special revenue of $2,115 in FY 2024 and $3,068 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 87 is passed and approved, the Department of Labor and Industry is increased by $21,400 state special revenue in FY 2024 and $21,400 state special revenue in FY 2025.

If SB 450 is passed and approved, the Department of Labor and Industry is increased by $212,499 general fund in FY 2024 and $207,576 general fund in FY 2025, and the Department of Labor and Industry may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE in FY 2024 and 2.00 FTE in FY 2025.

If SB 284 is passed and approved, the Department of Labor and Industry is increased by $20,220 state special revenue in FY 2024.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If SB 454 is passed and approved, the Department of Labor and Industry is decreased by $3,025 state special revenue in FY 2024 and $3,025 state special revenue in FY 2025.

If HB 314 is passed and approved, the Department of Labor and Industry is increased by $9,500 general fund, $3,000 state special revenue, and $13,350 federal special revenue in FY 2024 and $9,500 general fund, $3,000 state special revenue, and $13,350 federal special revenue in FY 2025.

DEPARTMENT OF MILITARY AFFAIRS (67010)

1. Director's Office (01)											
1,113,109	0	871,803	0	0	1,984,912	1,124,655	0	930,562	0	0	2,055,217
a. Legislative Audit (Restricted/Biennial)											
10,447	0	0	0	0	10,447	0	0	0	0	0	0
b. DO Server Replacements (Restricted/OTO)											
25,000	0	0	0	0	25,000	0	0	0	0	0	0
2. Montana Youth Challenge Program (02)											
1,304,678	0	4,083,676	0	0	5,388,354	1,314,392	0	4,112,821	0	0	5,427,213
a. Legislative Audit (Restricted/Biennial)											
2,389	0	7,166	0	0	9,555	0	0	0	0	0	0
3. National Guard Scholarship Program (03) (Biennial)											
207,362	0	0	0	0	207,362	207,362	0	0	0	0	207,362
a. National Guard Scholarship Increase (Biennial)											
42,638	0	0	0	0	42,638	42,638	0	0	0	0	42,638
4. STARBASE Program (04)											
0	0	1,150,250	0	0	1,150,250	0	0	1,160,732	0	0	1,160,732
a. Legislative Audit (Restricted/Biennial)											
0	0	1,945	0	0	1,945	0	0	0	0	0	0
5. Army National Guard Program (12)											
1,861,210	420	18,668,584	0	0	20,530,214	1,920,168	420	19,043,370	0	0	20,963,958
a. Legislative Audit (Restricted/Biennial)											
4,375	0	48,786	0	0	53,161	0	0	0	0	0	0
b. ARNG Contract Service Cost Increase (Restricted)											
135,000	0	135,000	0	0	270,000	135,000	0	135,000	0	0	270,000

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
6. Air National Guard Program (13)											
399,356	0	5,559,311	0	0	5,958,667	404,058	0	5,595,118	0	0	5,999,176
a. Legislative Audit (Restricted/Biennial)											
1,983	0	5,950	0	0	7,933	0	0	0	0	0	0
7. Disaster and Emergency Services Division (21)											
1,747,581	136,756	16,366,097	0	0	18,250,434	1,751,704	136,756	16,380,779	0	0	18,269,239
a. Legislative Audit (Restricted/Biennial)											
8,378	0	8,378	0	0	16,756	0	0	0	0	0	0
b. DES Disaster Preparedness Operating Adjustment (Restricted)											
50,000	0	50,000	0	0	100,000	50,000	0	50,000	0	0	100,000
c. DES 24/7 Duty Officer Program (Restricted)											
45,000	0	0	0	0	45,000	45,000	0	0	0	0	45,000
8. Veterans' Affairs Program (31)											
9,330	3,553,585	0	0	0	3,562,915	10,927	3,443,581	0	0	0	3,454,508
a. Legislative Audit (Restricted/Biennial)											
0	7,685	0	0	0	7,685	0	0	0	0	0	0
b. VA Columbia Falls Cemetery Operations (Restricted)											
0	0	0	0	0	0	0	148,048	0	0	0	148,048
Total											
6,967,836	3,698,446	46,956,946	0	0	57,623,228	7,005,904	3,728,805	47,408,382	0	0	58,143,091

The Director's Office, Montana Youth Challenge Program, STARBASE Program, Army National Guard Program, Air National Guard Program, Disaster and Emergency Services Division, and Veterans' Affairs Program include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

It is the intent of the Legislature that the National Guard Scholarship Program does not expend more than its 2025 biennial appropriation.

If SB 442 is not passed and approved, state special revenue appropriation in the Veterans' Affairs Program is reduced by $2,716,991 in FY 2024 and $2,607,815 in FY 2025 and general fund is increased by $1,504,891 in FY 2024 and $1,631,015 in FY 2025.

If HB 81 is not passed and approved, VA Columbia Falls Cemetery Operations is void.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The Director's Office includes an increase in general fund of $55,816 in FY 2024 and $63,246 in FY 2025 and federal special revenue of $236,014 in FY 2024 and $294,034 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 669 is passed and approved and provides for an appropriation to the Veterans' Affairs Program of at least $5 million from the general fund in the 2025 biennium, then all HB 2 general fund appropriation authority is void and HB 2 state special revenue authority will be reduced to $844,279 in FY 2024 and $983,814 in FY 2025 in the Veterans' Affairs Program.

If HB 298 is passed and approved, the Department of Military Affairs is decreased by $1,544 state special revenue in FY 2024 and $1,544 state special revenue in FY 2025.

If HB 839 is passed and approved, the Department of Military Affairs may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2025.

TOTAL SECTION A											
146,569,162	109,620,967	134,861,013	10,415,479	0	401,466,621	147,757,928	108,394,879	135,154,646	10,265,430	0	401,572,883

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
B. DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES											
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (69010)											
1. Disability Employment and Transitions Division (01)											
6,435,017	988,133	22,401,965	0	0	29,825,115	6,499,552	994,640	22,665,014	0	0	30,159,206
a. Independent Living Svc. for the Older Blind Program (Restricted)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
2. Human and Community Services Division (02)											
25,558,339	2,050,001	261,793,082	0	0	289,401,422	25,641,679	2,057,416	261,954,504	0	0	289,653,599
a. Increase Funding to Entities That Advocate for Children in Legal Settings (Restricted/Biennial/OTO)											
0	0	500,000	0	0	500,000	0	0	500,000	0	0	500,000
3. Child and Family Services Division (03)											
65,064,152	1,541,584	46,909,414	0	0	113,515,150	67,369,428	1,541,584	50,362,987	0	0	119,273,999
4. Director's Office (04)											
5,158,178	1,523,293	6,625,494	0	0	13,306,965	5,484,896	1,594,300	7,068,710	0	0	14,147,906
a. Non-Medicaid Provider Rate Increase for Studied Providers (Biennial)											
1,401,535	0	746,268	0	0	2,147,803	0	0	0	0	0	0
5. Child Support Services Division (05)											
3,327,668	363,312	7,910,060	0	0	11,601,040	3,349,346	363,312	7,952,140	0	0	11,664,798
6. Business and Financial Services Division (06)											
3,818,132	1,552,209	6,485,030	0	0	11,855,371	3,784,427	1,550,173	6,434,263	0	0	11,768,863
a. Legislative Audit (Restricted/Biennial)											
275,691	9,673	198,304	0	0	483,668	0	0	0	0	0	0
7. Public Health and Safety Division (07)											
3,217,533	14,120,660	22,383,021	0	0	39,721,214	3,238,964	14,144,634	22,492,847	0	0	39,876,445
8. Office of Inspector General (08)											
2,726,875	930,105	5,991,756	0	0	9,648,736	2,738,595	940,491	6,025,387	0	0	9,704,473
9. Technology Services Division (09)											
24,760,151	2,288,343	46,322,827	0	0	73,371,321	25,396,794	2,302,705	47,981,890	0	0	75,681,389

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
10. Behavioral Health and Developmental Disabilities (10)											
128,733,401	38,429,329	354,623,323	0	0	521,786,053	135,972,151	40,706,824	378,564,039	0	0	555,243,014
a. Medicaid Provider Rate Increase for Studied Providers (Restricted)											
2,801,387	0	5,518,409	0	0	8,319,796	3,201,585	0	6,306,753	0	0	9,508,338
11. Health Resources Division (11)											
250,363,803	134,354,309	1,367,192,448	0	0	1,751,910,560	249,388,073	146,317,246	1,404,752,345	0	0	1,800,457,664
a. Medicaid Provider Rate Increase for Inpatient Non-Critical Access Hospital Services											
1,445,123	0	5,162,989	0	0	6,608,112	2,951,308	0	10,529,241	0	0	13,480,549
b. Medicaid Provider Rate Increase for Studied Providers (Restricted)											
116,261	0	229,020	0	0	345,281	132,869	0	261,737	0	0	394,606
12. Medicaid and Health Services Management (12)											
1,275,051	27,189	3,773,226	0	0	5,075,466	1,297,536	28,978	3,803,940	0	0	5,130,454
13. Operations Services Division (16)											
230,578	621,254	524,327	0	0	1,376,159	238,102	622,796	529,481	0	0	1,390,379
14. Senior and Long-Term Care Division (22)											
94,385,113	32,412,264	238,751,396	0	0	365,548,773	105,189,940	32,403,172	262,082,676	0	0	399,675,788
a. Medicaid Provider Rate Increase for Studied Providers (Restricted)											
4,082,353	0	8,041,764	0	0	12,124,117	4,665,546	0	9,190,587	0	0	13,856,133
15. Early Childhood and Family Support Division (25)											
12,418,986	4,221,162	68,182,940	0	0	84,823,088	12,673,351	4,218,259	68,263,670	0	0	85,155,280
a. Appropriate Tobacco Settlement SSR for Home Visiting (OTO)											
0	125,000	375,000	0	0	500,000	0	250,000	750,000	0	0	1,000,000
b. Increase Funding for Child-Care Subsidies (Biennial/OTO)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
c. Increase TANF Block Grant Transfer to Child Care (Restricted)											
0	0	668,390	0	0	668,390	0	0	668,390	0	0	668,390
16. Health Care Facilities (33)											
64,821,615	20,475,153	16,829,961	0	0	102,126,729	65,167,782	20,609,100	17,434,755	0	0	103,211,637

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Facility Operations - Contract and State Staff (Restricted/OTO)											
30,000,000	0	0	0	0	30,000,000	20,000,000	0	0	0	0	20,000,000
b. Facility Operations - CMS Compliance and Recertification (Restricted/Biennial/OTO)											
6,114,500	0	0	0	0	6,114,500	0	0	0	0	0	0
Total											
739,131,442	256,032,973	2,498,140,414	0	0	3,493,304,829	744,981,924	270,645,630	2,596,575,356	0	0	3,612,202,910

The Disability Employment and Transitions Division (DETD) is appropriated $775,000 of state special revenue from the Montana Telecommunications Access Program (MTAP) during each year of the 2025 biennium to cover a contingent Federal Communications Commission mandate that would require states to provide both video and Internet protocol relay services for people with severe hearing, mobility, or speech impairments.

The Business and Financial Services Division and the Health Care Facilities Division include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The line item for Independent Living Svc. for the Older Blind Program is restricted to expenditures on benefits and claims.

The line item for Increase TANF Block Grant Transfer to Child Care is restricted to expenditures on child-care subsidies.

The Legislature intends that the Department of Public Health and Human Services increase the child support pass-through for eligible Temporary Assistance for Needy Families (TANF) populations from $100 to $200 monthly.

The line item for Increase Funding for Child-Care Subsidies on a biennial and one-time-only basis is restricted to expenditures on child-care subsidies.

Medicaid provider rate increases for nursing homes in FY 2025 are conditional on facility participation in Department of Public Health and Human Services efforts to collect quality and performance data.

The Legislature intends that all funding available and appropriated for child-care subsidies be expended only on child-care subsidies.

The refinance adopted for Medicaid expansion hospital utilization fees in the Health Resources Division is void, the appropriation of state special revenue from hospital utilization fees is increased by $839,331 in each year of the biennium, and the appropriation of the Tobacco Health and Medicaid Initiatives fund is decreased by $839,331 in each year of the biennium.

The line item Increase Funding to Entities That Advocate for Children in Legal Settings is restricted to grants for the specified types of entities. The Department of Public Health and Human Services shall submit a written report on the use of this funding prior to the end of FY 2025 to the Health and Human Services Interim Budget Committee.

The line item for Medicaid Provider Rate Increase for Inpatient Non-Critical Access Hospital Services is contingent on the Department of Public Health and Human Services' evaluation of the Upper Payment Limit payment methodology, including but not limited to how Medicaid rate increases impact the Upper Payment Limit, the integrity of the cost-to-charge ratio calculation, allowable reportable hospital costs, and alternative Upper Payment Limit calculation methods.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The department shall also require hospitals to provide evidence annually of how the Upper Payment Limit payments impact efficiency, economy, quality of care, and access. The department may additionally assess graduated penalties to hospitals with high outlier cost-to-charge ratios.

If HB 648 is passed and approved, the appropriation for Increase Funding for Child-Care Subsidies (Biennial/OTO) is void and the appropriation for Increase TANF Block Grant Transfer to Child Care (Restricted) is void.

The appropriation for Facility Operations - CMS Compliance and Recertification is restricted to expenditures supporting compliance with Centers for Medicare and Medicaid Services (CMS) requirements at the Montana Mental Health Nursing Care Center or expenditures supporting CMS recertification at the Montana State Hospital.

The appropriation for Facility Operations - Contract and State Staff is restricted to expenditures in the Health Care Facilities Division.

The Director's Office includes an increase in general fund of $1,052,627 in FY 2024 and $1,340,249 in FY 2025, an increase in state special revenue of $373,112 in FY 2024 and $441,340 in FY 2025, and an increase of federal special revenue of $1,417,329 in FY 2024 and $1,834,159 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 29 is passed and approved, the Department of Public Health and Human Services is increased by $91,397 general fund in FY 2024 and $1,174,544 general fund in FY 2025.

If HB 37 is passed and approved, the Department of Public Health and Human Services is increased by $167,641 general fund and $207,526 federal special revenue in FY 2024 and $148,140 general fund and $199,168 federal special revenue in FY 2025.

If HB 147 is passed and approved, the Department of Public Health and Human Services is increased by $20,011 general fund and $43,288 federal special revenue in FY 2024 and $6,000 general fund and $18,000 federal special revenue in FY 2025.

If HB 218 is passed and approved, the Department of Public Health and Human Services is increased by $3,406 state special revenue in FY 2024 and $3,406 state special revenue in FY 2025.

If HB 449 is passed and approved, the Department of Public Health and Human Services is increased by $90,345 general fund and $159,988 federal special revenue in FY 2024 and $179,639 general fund and $321,027 federal special revenue in FY 2025.

If HB 544 is passed and approved, the Department of Public Health and Human Services is increased by $183,340 general fund and $493,598 federal special revenue in FY 2024 and $189,094 general fund and $506,625 federal special revenue in FY 2025.

If HB 619 is passed and approved, the Department of Public Health and Human Services is increased by $25,200 federal special revenue in FY 2024 and $25,200 federal special revenue in FY 2025.

If HB 648 is passed and approved, the Department of Public Health and Human Services is increased by $144,408 general fund in FY 2024 and $144,408 general fund in FY 2025.

If HB 655 is passed and approved, the Department of Public Health and Human Services is increased by $8,147 general fund and $21,529 federal special revenue in FY 2024 and $9,080 general fund and $24,166 federal special revenue in FY 2025.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 828 is passed and approved, the Department of Public Health and Human Services is increased by $466,558 general fund and $45,000 federal special revenue in FY 2024 and $13,697 general fund and $45,000 federal special revenue in FY 2025.

If HB 862 is passed and approved, the Department of Public Health and Human Services is decreased by $283,969 general fund in FY 2024 and $306,164 general fund in FY 2025.

If SB 148 is passed and approved, the Department of Public Health and Human Services is increased by $178,870 federal special revenue in FY 2024 and $178,870 federal special revenue in FY 2025.

If SB 296 is passed and approved, the Department of Public Health and Human Services is decreased by $446,698 general fund and increased by $2,454,862 federal special revenue in FY 2024 and decreased by $965,286 general fund and increased by $5,022,895 federal special revenue in FY 2025, and the Department of Public Health and Human Services may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If SB 516 is passed and approved, the Department of Public Health and Human Services is increased by 46,969 general fund, $15,800 state special revenue, and $129,827 federal special revenue in FY 2024 and $79,078 general fund, $15,800 state special revenue, and $250,068 federal special revenue in FY 2025, and the Department of Public Health and Human Services may increase full-time equivalent positions authorized in HB 2 by 0.50 FTE in FY 2024 and 0.50 FTE in FY 2025.

If HB 922 is passed and approved, the Department of Public Health and Human Services is increased by $78,000 as one-time-only federal special revenue in FY 2024 and $39,000 as one-time-only federal special revenue in FY 2025.

If HB 83 is passed and approved, the Child and Family Services Division is decreased by $86,250 general fund, $63,376 state special revenue, and $592,459 federal special revenue in FY 2025.

The line item Medicaid Provider Rate Increase for Studied Providers is restricted to benefits and claims.

TOTAL SECTION B											
739,131,442	256,032,973	2,498,140,414	0	0	3,493,304,829	744,981,924	270,645,630	2,596,575,356	0	0	3,612,202,910

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
C. NATURAL RESOURCES AND TRANSPORTATION											
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (52010)											
1. Technology Services Division (01)											
0	7,608,323	167,895	0	0	7,776,218	0	7,635,257	167,895	0	0	7,803,152
2. Fisheries Division (03)											
0	11,308,102	11,737,446	0	0	23,045,548	0	11,386,933	11,796,879	0	0	23,183,812
3. Enforcement Division (04)											
0	12,554,043	1,546,227	0	0	14,100,270	0	12,647,268	1,547,523	0	0	14,194,791
a. Culvert Bear Traps (Biennial/OTO)											
0	130,000	0	0	0	130,000	0	0	0	0	0	0
4. Wildlife Division (05)											
0	8,078,850	11,389,424	0	0	19,468,274	0	8,107,354	11,482,080	0	0	19,589,434
5. Parks and Outdoor Recreation Division (06)											
0	20,382,982	11,962,661	0	0	32,345,643	0	20,459,715	11,961,792	0	0	32,421,507
a. Fishing Access, Weed Control, and Riparian Habitat (Restricted/Biennial/OTO)											
0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
b. Fishing and Water Access Sites (Restricted/Biennial/OTO)											
0	200,000	0	0	0	200,000	0	200,000	0	0	0	200,000
6. Communication and Education Division (08)											
0	4,253,296	995,775	0	0	5,249,071	0	4,280,561	995,751	0	0	5,276,312
7. Administration Division (09)											
0	22,413,794	1,813,538	0	0	24,227,332	0	22,611,050	1,848,987	0	0	24,460,037
a. Legislative Audit (Restricted/Biennial)											
0	125,395	0	0	0	125,395	0	0	0	0	0	0
b. Instream Flow (Restricted/Biennial)											
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. Angling Economic Impact Analysis (Restricted/Biennial/OTO)											
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
Total											
0	87,404,785	39,612,966	0	0	127,017,751	0	87,678,138	39,800,907	0	0	127,479,045

If SB 58 is not passed and approved, HB 2 state special revenue is increased by $2.0 million and federal revenue is decreased by $9.0 million in each year of the biennium.

For Fishing Access, Weed Control, and Riparian Habitat, the Department of Fish, Wildlife, and Parks will report to the Environmental Quality Council; and the Joint Interim Budget Committee for Natural Resources and Transportation by the first day of December of each year of the 2025 biennium on the actual habitat enhanced and the actual areas treated for weeds.

The Department of Fish, Wildlife, and Parks will provide the completed Angling Economic Impact Analysis to the Environmental Quality Council, and the Joint Interim Budget Committee for Natural Resources and Transportation by the last day of September 2025.

It is the intent of the Legislature to consider the 2027 biennium budget for the Parks and Outdoor Recreation Division in the Department of Fish, Wildlife, and Parks from zero to the full recommended budget. The department shall explain the necessity of each reporting level (RL4) of the program budget, including the base budget for the budget submission for the 2027 biennium budget.

If HB 5 does not include funding for the Miles City Train Depot project, then state special revenue for the Parks and Outdoor Recreation Division is reduced by $192,162 in FY 2024 and $187,254 in FY 2025.

If SB 295 is not passed and approved, HB 2 state special revenue in the Wildlife Division is reduced by $184,626 in FY 2024 and $179,544 in FY 2025.

The Parks and Outdoor Recreation Division is authorized to decrease federal special revenue and increase the Hunting Access state special revenue established in 87-1-290 by a like amount if federal funds appropriated for block management expansion are not available.

The Administration Division includes an increase in state special revenue of $509,433 in FY 2024 and $596,916 in FY 2025 and an increase of federal special revenue of $120,355 in FY 2024 and $141,532 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 243 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $40,168 state special revenue and $102,504 federal special revenue in FY 2024 and $60,707 state special revenue and $182,120 federal special revenue in FY 2025, and the Department of Fish, Wildlife, and Parks may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If SB 533 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $118,674 state special revenue in FY 2024 and $64,674 state special revenue in FY 2025, and the Department of Fish, Wildlife, and Parks may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If SB 281 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $50,625 state special revenue in FY 2024.

If SB 298 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $64,994 state special revenue in FY 2024 and $1,600 state special revenue in FY 2025 and $43,519 as one-time-only state special revenue in FY 2025.

DEPARTMENT OF ENVIRONMENTAL QUALITY (53010)

1. Central Management Program (10)											
1,099,442	2,670,374	1,059,274	0	0	4,829,090	1,144,147	2,697,479	1,101,352	0	0	4,942,978
2. Water Quality Division (20)											
2,639,611	7,936,819	7,980,678	0	0	18,557,108	2,645,836	7,978,114	8,030,656	0	0	18,654,606
a. Subdivision FTE (OTO)											
439,136	0	0	0	0	439,136	413,825	0	0	0	0	413,825
3. Waste Management and Remediation Division (40)											
417,947	11,952,463	10,812,349	0	0	23,182,759	435,153	12,004,298	10,889,610	0	0	23,329,061
4. Air, Energy, and Mining Division (50)											
1,897,025	9,402,834	5,054,041	0	0	16,353,900	1,908,550	9,459,482	5,087,460	0	0	16,455,492
5. Libby Asbestos Superfund Oversight Committee (80)											
0	486,580	0	0	0	486,580	0	488,686	0	0	0	488,686
6. Petroleum Tank Release Compensation Board (90)											
0	851,702	0	0	0	851,702	0	857,972	0	0	0	857,972
Total											
6,493,161	33,300,772	24,906,342	0	0	64,700,275	6,547,511	33,486,031	25,109,078	0	0	65,142,620

The Water Quality Division is authorized to decrease federal special revenue and increase state special revenue in the drinking water and/or water pollution control revolving loan programs by a like amount within the administration account when the amount of federal capitalization funds has been expended or when federal funds and bond proceeds will be used for other program purposes.

If the Carpenter/Snow Creek or the Barker/Hughesville national priority list sites are approved for federal superfund funding by the Environmental Protection Agency, the Department of Environmental Quality is appropriated $2.2 million in state special revenue from the Comprehensive Environmental Response, Compensation, and Liability Act bond proceeds account for the 2025 biennium.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The Central Management Program includes an increase in general fund of $71,286 in FY 2024 and $91,238 in FY 2025, an increase in state special revenue of $83,840 in FY 2024 and $109,147 in FY 2025, and an increase of federal special revenue of $143,937 in FY 2024 and $186,015 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 364 is passed and approved, the Department of Environmental Quality is increased by 86,400 state special revenue in FY 2024 and $92,800 state special revenue in FY 2025, and the Department of Environmental Quality may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

DEPARTMENT OF TRANSPORTATION (54010)

1. General Operations Program (01) (Biennial)											
0	31,032,328	1,560,704	0	0	32,593,032	0	31,157,766	1,564,689	0	0	32,722,455
a. Legislative Audit (Restricted/Biennial)											
0	219,442	0	0	0	219,442	0	0	0	0	0	0
b. 5G Cellular Network (OTO)											
0	175,000	0	0	0	175,000	0	175,000	0	0	0	175,000
2. Highways and Engineering Program (02) (Biennial)											
0	100,182,722	544,701,156	0	0	644,883,878	0	107,972,026	593,460,168	0	0	701,432,194
3. Maintenance Program (03) (Biennial)											
0	154,404,747	11,831,043	0	0	166,235,790	0	155,289,274	11,341,296	0	0	166,630,570
a. CARES Act II Maintenance Projects (OTO)											
0	0	3,520,000	0	0	3,520,000	0	0	0	0	0	0
4. Motor Carrier Services Division (22) (Biennial)											
0	9,777,505	4,896,999	0	0	14,674,504	0	9,836,777	4,918,410	0	0	14,755,187
5. Aeronautics Program (40) (Biennial)											
0	1,899,948	1,380,336	0	0	3,280,284	0	1,911,226	1,385,542	0	0	3,296,768
a. Bonanza A36 Engine Replacement (Biennial/OTO)											
0	85,000	0	0	0	85,000	0	0	0	0	0	0
6. Rail, Transit, and Planning Division (50) (Biennial)											
0	11,730,951	36,263,876	0	0	47,994,827	0	11,816,639	37,310,255	0	0	49,126,894

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total											
0	309,507,643	604,154,114	0	0	913,661,757	0	318,158,708	649,980,360	0	0	968,139,068

The department may adjust appropriations between state special revenue and federal special revenue funds if the total state special revenue authority by program is not increased by more than 10% of the total appropriations established by the Legislature.

All appropriations in the Department of Transportation are biennial.

The General Operations Program, motor pool program, equipment program, and Aeronautics Program include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The Highways and Engineering Program includes an increase in state special revenue of $2,403,577 in FY 2024 and $3,050,838 in FY 2025 and federal special revenue of $5,071,822 in FY 2024 and $6,722,361 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 55 is passed and approved, the Department of Transportation is increased by $331,988 state special revenue in FY 2024 and $140,845 state special revenue in FY 2025, and the Department of Transportation may increase full-time equivalent positions authorized in HB 2 by 3.00 FTE in FY 2024 and 1.50 FTE in FY 2025.

If HB 904 is passed and approved, the Department of Transportation is increased by $200,000 state special revenue in FY 2024 and $300,000 state special revenue in FY 2025.

If SB 47 is passed and approved, the Department of Transportation is increased by $300,000 state special revenue in FY 2024 and $300,000 state special revenue in FY 2025.

If SB 160 is passed and approved, the Department of Transportation is increased by $358,962 state special revenue in FY 2024.

If SB 536 is passed and approved, the Department of Transportation is increased by $100,010,980 state special revenue in FY 2024.

DEPARTMENT OF LIVESTOCK (56030)

1. Centralized Services Division (01)											
296,535	2,161,168	0	0	0	2,457,703	295,386	2,168,317	0	0	0	2,463,703
a. Legislative Audit (Restricted/Biennial)											
0	58,219	0	0	0	58,219	0	0	0	0	0	0
2. Animal Health Division (04)											
3,692,444	2,417,200	2,296,135	0	0	8,405,779	3,716,193	2,428,733	2,308,504	0	0	8,453,430
a. MVDL Lab Equipment Purchase (Restricted/Biennial/OTO)											
0	236,951	0	0	0	236,951	0	0	0	0	0	0

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Vet Truck Purchase (Restricted/Biennial/OTO)											
0	50,000	0	0	0	50,000	0	0	0	0	0	0
3. Brands Enforcement Division (06)											
0	4,636,775	0	0	0	4,636,775	0	4,656,876	0	0	0	4,656,876
a. Brands Equipment Upgrades (Restricted/Biennial/OTO)											
0	180,000	0	0	0	180,000	0	0	0	0	0	0
Total											
3,988,979	9,740,313	2,296,135	0	0	16,025,427	4,011,579	9,253,926	2,308,504	0	0	15,574,009
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (57060)											
1. Director's Office (21)											
5,081,858	3,971,327	14,124	0	0	9,067,309	5,339,949	4,202,314	15,423	0	0	9,557,686
a. Legislative Audit (Restricted/Biennial)											
93,282	72,419	0	0	0	165,701	0	0	0	0	0	0
b. Weather Modification Feasibility Study (Restricted/Biennial/OTO)											
125,000	25,000	0	0	0	150,000	125,000	25,000	0	0	0	150,000
2. Oil and Gas Conservation Division (22)											
0	2,167,589	107,879	0	0	2,275,468	0	2,178,731	107,879	0	0	2,286,610
3. Conservation and Resource Development Division (23)											
1,895,929	9,659,081	308,286	0	0	11,863,296	1,917,755	9,683,376	308,286	0	0	11,909,417
a. Conservation District Augment (Restricted/Biennial/OTO)											
0	750,000	0	0	0	750,000	0	1,500,000	0	0	0	1,500,000
b. Regional Water Authority Administration (OTO)											
0	141,923	0	0	0	141,923	0	141,923	0	0	0	141,923
c. CARDD Infrastructure (Restricted/OTO)											
75,000	75,000	0	0	0	150,000	75,000	75,000	0	0	0	150,000
4. Water Resources Division (24)											
12,889,794	9,002,167	286,345	0	0	22,178,306	12,852,161	9,099,460	288,655	0	0	22,240,276

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. CSKT-Montana Compact Implementation (Restricted)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
b. WRD Montana Stream Gage Network Support (OTO)											
831,598	0	0	0	0	831,598	629,453	0	0	0	0	629,453
c. WRD Safety and Reliability of State Projects (OTO)											
68,000	68,000	0	0	0	136,000	63,000	63,000	0	0	0	126,000
d. WRD Willow Creek Rehab (Restricted/OTO)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
e. Open ET (OTO)											
296,000	0	0	0	0	296,000	176,000	0	0	0	0	176,000
5. Forestry and Trust Lands Divisions (35)											
15,467,282	20,881,780	1,398,735	0	0	37,747,797	15,532,523	21,249,086	1,400,129	0	0	38,181,738
Total											
37,423,743	46,814,286	2,115,369	0	0	86,353,398	37,310,841	48,217,890	2,120,372	0	0	87,649,103

During the 2025 biennium, the Department of Natural Resources and Conservation is authorized to decrease federal special revenue in the water pollution control and/or drinking water revolving fund loan programs and increase state special revenue by a like amount within administration accounts when the amount of federal Environmental Protection Agency CAP grant funds allocated for administration of the grant have been expended or federal funds and bond proceeds will be used for other program purposes as authorized in law providing for the distribution of funds.

During the 2025 biennium, up to $1,500,000 of funds currently in or to be deposited in the Department of Natural Resources and Conservation Indirects state special revenue account is appropriated to the department for indirect pool expenditures.

During the 2025 biennium, up to $600,000 from the loan loss reserve account of the private loan program established in 85-1-603 is appropriated to the department for the purchase of prior liens on property held as loan security as provided in 85-1-615.

During the 2025 biennium, up to $1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2025 biennium, up to $1,500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated to the department for the purpose of repairing, improving, or rehabilitating department state water projects.

During the 2025 biennium, up to $100,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

During the 2025 biennium, up to $1 million of funds currently in or to be deposited in the contract timber harvest account is appropriated to the department for contract harvesting, a tool to improve forest health and generate revenue for trust beneficiaries.

During the 2025 biennium, up to $150,000 of funds in the Trust Administration and Forest Improvement accounts are appropriated to the department for road maintenance on state trust lands due to damage from erosion, public use, flooding, and/or post fire or other natural disaster restoration.

During the 2025 biennium, up to $100,000 of funds currently in or to be deposited in the Trust Administration account are appropriated to the department for agriculture and grazing management infrastructure on state trust lands and unexpected or emergency repair or replacement due to damage from public use, flooding, fire, or other natural disasters.

If HB 10 does not include an appropriation to the Department of Natural Resources and Conservation for the Financial Management System, then HB 2 general fund appropriation for the Financial Management System in the Director's Office is reduced by $199,853 in FY 2025 and state special revenue is reduced by $155,147 in FY 2025.

Prior to December in each year of the 2025 biennium, the Department of Natural Resources and Conservation will report to the Water Policy Interim Committee on the progress of the weather modification feasibility study.

During the 2025 biennium, up to $3 million of earnings transferred from the conservation district fund created in HB 321 are appropriated from the conservation district account authorized in 76-15-106 for the purpose authorized in 76-15-502.

The Director's Office includes an increase in general fund of $190,566 in FY 2024 and $233,158 in FY 2025, an increase in state special revenue of $239,942 in FY 2024 and $303,694 in FY 2025, and an increase of federal special revenue of $14,124 in FY 2024 and $15,423 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

DEPARTMENT OF AGRICULTURE (62010)

1. Central Management Division (15)											
289,733	1,537,133	256,050	143,715	0	2,226,631	286,658	1,554,006	251,254	144,202	0	2,236,120
a. Legislative Audit (Restricted/Biennial)											
0	55,532	0	0	0	55,532	0	0	0	0	0	0
2. Agricultural Sciences Division (30)											
391,829	8,993,781	1,058,618	0	0	10,444,228	392,455	9,034,443	1,062,948	0	0	10,489,846
a. Chromatography Instrument (OTO)											
0	100,000	0	0	0	100,000	0	0	0	0	0	0
b. Hemp Program Resources (OTO)											
125,000	0	0	0	0	125,000	125,000	0	0	0	0	125,000

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. Lab Combustion Analyzer (OTO)											
0	86,000	0	0	0	86,000	0	0	0	0	0	0
3. Agricultural Development Division (50)											
489,997	6,973,970	273,928	302,431	0	8,040,326	493,142	6,976,151	275,672	303,388	0	8,048,353
a. Hail Insurance System HB 10 (OTO)											
0	0	0	50,000	0	50,000	0	0	0	0	0	0
b. State Grain Lab Resources (OTO)											
250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000
Total											
1,546,559	17,746,416	1,588,596	496,146	0	21,377,717	1,547,255	17,564,600	1,589,874	447,590	0	21,149,319

If HB 10 does not include an appropriation to the Department of Agriculture for the Commodity Assessment System, then HB 2 state special revenue appropriation for the Commodity Assessment System in the Agricultural Development Division is reduced by $20,000 in FY 2024 and $20,000 in FY 2025.

The Central Management Division includes an increase in general fund of $7,402 in FY 2024 and $8,953 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

TOTAL SECTION C											
49,452,442	504,514,215	674,673,522	496,146	0	1,229,136,325	49,417,186	514,359,293	720,909,095	447,590	0	1,285,133,164

General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		Fiscal 2024						Fiscal 2025			

D. CORRECTIONS AND PUBLIC SAFETY

JUDICIARY (21100)											
1. Supreme Court Operations (01)											
19,570,772	825,271	307,398	0	0	20,703,441	19,719,262	826,152	307,945	0	0	20,853,359
a. Legislative Audit (Restricted/Biennial)											
58,219	0	0	0	0	58,219	0	0	0	0	0	0
b. Funding for Expiring Drug Courts (Restricted)											
0	405,746	0	0	0	405,746	0	857,335	0	0	0	857,335
c. CPC Evaluations (Restricted/Biennial/OTO)											
0	100,000	0	0	0	100,000	0	0	0	0	0	0
d. Continued Family Mediation (Restricted/Biennial/OTO)											
300,000	0	0	0	0	300,000	300,000	0	0	0	0	300,000
e. Pretrial Program (OTO)											
843,848	0	0	0	0	843,848	843,971	0	0	0	0	843,971
2. Law Library (03)											
925,971	0	0	0	0	925,971	928,223	0	0	0	0	928,223
3. District Court Operations (04)											
33,162,769	753,963	0	0	0	33,916,732	33,296,448	754,551	0	0	0	34,050,999
4. Water Courts Supervision (05)											
1,042,457	1,522,235	0	0	0	2,564,692	1,049,547	1,529,284	0	0	0	2,578,831
5. Clerk of Court (06)											
613,676	0	0	0	0	613,676	616,733	0	0	0	0	616,733
Total											
56,517,712	3,607,215	307,398	0	0	60,432,325	56,754,184	3,967,322	307,945	0	0	61,029,451

The Supreme Court Operations program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

Funding for Expiring Drug Courts is to be fully funded through opioid abatement funds received from the State of Montana v. McKinsey & Company, Inc. lawsuit.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Appropriations in CPC Evaluations may be used by the Judicial Branch to implement the Correctional Institute of Cincinnati correctional program checklist to perform evaluations on Montana drug courts.

Supreme Court Operations includes an increase in general fund of $74,130 in FY 2024 and $88,376 in FY 2025. The increase was provided to offset inflationary impacts. The Judicial Branch may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 16 is passed and approved, the Judicial Branch is increased by $70,692 federal special revenue in FY 2024 and $67,892 federal special revenue in FY 2025.

If HB 500 is passed and approved, the Judicial Branch is increased by $184,965 general fund and decreased by $184,965 state special revenue in FY 2024 and is increased by $184,965 general fund and decreased by $184,965 state special revenue in FY 2025.

If HB 722 is passed and approved, the Judicial Branch is increased by $71,928 general fund in FY 2024 and $69,345 general fund in FY 2025, and the Judicial Branch may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If SB 224 is passed and approved, the Judicial Branch is increased by $52,000 general fund in FY 2024.

If SB 250 is passed and approved, the Judicial Branch is increased by $7,563 general fund in FY 2024.

DEPARTMENT OF JUSTICE (41100)

1. Legal Services Division (01)											
8,204,181	981,128	222,293	0	0	9,407,602	8,229,670	983,493	222,283	0	0	9,435,446
a. Litigation Funding (Restricted/Biennial/OTO)											
1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
b. Natural Resource Damage Program Cont. (Restricted/Biennial/OTO)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
c. State Attorney's Office Prosecution Enhancement (Restricted/OTO)											
117,140	0	0	0	0	117,140	117,533	0	0	0	0	117,533
2. Montana Highway Patrol (03)											
1,520,397	46,798,604	0	0	0	48,319,001	1,520,443	46,974,764	0	0	0	48,495,207
a. Equipment (Restricted/Biennial/OTO)											
0	400,000	0	0	0	400,000	0	400,000	0	0	0	400,000
b. MHP Camera System (Biennial)											
0	700,000	0	0	0	700,000	0	700,000	0	0	0	700,000

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3. Justice Information Technology Services Division (04)											
5,167,806	875,877	2,663	10,792	0	6,057,138	5,205,209	875,835	2,663	10,792	0	6,094,499
a. Firewalls (Restricted/Biennial/OTO)											
90,000	0	0	0	0	90,000	0	0	0	0	0	0
b. Server Replacement (Restricted/Biennial/OTO)											
2,000,000	0	0	0	0	2,000,000	0	0	0	0	0	0
4. Division of Criminal Investigation (05)											
11,403,500	8,030,516	1,115,540	1,919	0	20,551,475	11,257,180	8,107,631	1,120,371	2,361	0	20,487,543
a. Human Trafficking Agents and Victim Advocate (Restricted)											
317,678	0	0	0	0	317,678	229,509	0	0	0	0	229,509
b. DCI Enhancements to Combat Crime (Restricted)											
224,917	0	0	0	0	224,917	215,528	0	0	0	0	215,528
5. Gambling Control Division (07)											
0	3,076,010	0	1,399,966	0	4,475,976	0	3,087,944	0	1,405,872	0	4,493,816
6. Forensic Science Division (08)											
6,366,689	1,778,591	0	0	0	8,145,280	6,406,135	1,778,507	0	0	0	8,184,642
7. Motor Vehicle Division (09)											
7,819,832	15,116,711	0	554,208	0	23,490,751	7,859,804	15,205,564	0	554,208	0	23,619,576
a. FAST Annual Maintenance Costs (Restricted)											
0	2,550,000	0	0	0	2,550,000	0	2,550,000	0	0	0	2,550,000
8. Central Services Division (10)											
2,065,728	884,382	0	37,677	0	2,987,787	2,076,987	884,349	0	37,676	0	2,999,012
a. Legislative Audit (Restricted/Biennial)											
103,003	0	0	0	0	103,003	0	0	0	0	0	0
9. Board of Crime Control (21)											
1,843,113	289,396	13,607,102	0	0	15,739,611	1,938,847	352,864	14,200,854	0	0	16,492,565
a. Increase Authority for Victim Services (OTO)											
2,000,000	0	0	0	0	2,000,000	2,000,000	0	0	0	0	2,000,000

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total											
50,743,984	81,481,215	14,947,598	2,004,562	0	149,177,359	48,556,845	81,900,951	15,546,171	2,010,909	0	148,014,876

All pass-through grant authority in the Board of Crime Control is biennial.

All remaining pass-through grant appropriations for the Board of Crime Control, up to $100,000 in general fund money, $180,000 in state special revenue, and $7.0 million in federal funds, including reversions, for the 2023 biennium are authorized to continue and are appropriated in FY 2024 and FY 2025.

The Legal Services Division, Montana Highway Patrol, Justice Information Technology Services Division, Division of Criminal Investigation, Gambling Control Division, Forensic Science Division, Motor Vehicle Division, and Central Services Division include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The funding for the new position of the State Attorney's Office Prosecution Enhancement is restricted to ensure that the Department of Justice meets its statutory responsibilities under 41-3-210 and to prosecute child sexual abuse cases.

The DCI Enhancements to Combat Crime provides two new positions. One must be a computer crime investigator and one an elder justice criminal investigator.

In each year of the 2025 biennium, the FAST annual maintenance costs must be funded with $1.55 million from the Motor Vehicle Division Administration account provided in 61-3-112 and $1.0 million from the Motor Vehicle Information Technology System account provided in 61-3-550.

If HB 697 is passed and approved with a condition that makes the Montana Public Safety Officer Standards and Training Council an administratively attached entity in the Department of Justice, then the following must occur: the Division of Criminal Investigation is reduced by $135,266 general fund and $459,497 state special funds in FY 2024 and $135,266 general fund and $460,881 state special funds in FY 2025; the Department of Justice shall reduce full-time equivalent positions authorized in HB 2 by 3.00 FTE; there is appropriated to the Department of Justice to the credit of the Montana Public Safety Officer Standards and Training Council $594,763 in FY 2024 and $596,147 in FY 2025 from the Department of Justice account established in 44-10-204; and the Montana Public Safety Officer Standards and Training Council may increase full-time equivalent positions authorized in HB 2 by 3.00 FTE.

The Division of Criminal Investigation includes an increase in general fund of $159,512 in FY 2024 and $180,866 in FY 2025, an increase in state special revenue of $275,511 in FY 2024 and $315,752 in FY 2025, an increase in federal special revenue of $5,075 in FY 2024 and $6,066 in FY 2025, and an increase in proprietary funding of $1,919 in FY 2024 and $2,361 in FY 2025. The increase was provided to offset inflationary impacts. The Department of Justice may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 60 is passed and approved, the Department of Justice is increased by $3,718 general fund in FY 2024.

If HB 174 is passed and approved, the Department of Justice is increased by $226,155 general fund in FY 2024 and $226,155 general fund in FY 2025.

If HB 314 is passed and approved, the Department of Justice is increased by $100 general fund, $11,900 state special revenue, and $2,000 federal special revenue in FY 2024 and $100 general fund, $11,900 state special revenue, and $2,000 federal special revenue in FY 2025.

If HB 402 is passed and approved, the Department of Justice is increased by $75,000 general fund in FY 2024.

If HB 457 is passed and approved, the Department of Justice is increased by $90,000 general fund in FY 2024 and $90,000 general fund in FY 2025.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 580 is passed and approved, the Department of Justice is increased by $4,702 general fund and $8,400 state special revenue in FY 2024 and $4,702 general fund and $8,400 state special revenue in FY 2025.

If SB 11 is passed and approved, the Montana Board of Crime Control is increased by $76,646 general fund in FY 2024 and $63,846 general fund in FY 2025, and the Montana Board of Crime Control may increase full-time equivalent positions 0.50 FTE in FY 2024 and 0.50 FTE in FY 2025.

If SB 13 is passed and approved, the Department of Justice is increased by $36,000 state special revenue in FY 2024 and $36,000 state special revenue in FY 2025.

If SB 160 is passed and approved, the Department of Justice is increased by $3,000,000 general fund in FY 2024 and $3,000,000 general fund in FY 2025, and the Department of Justice may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If SB 250 is passed and approved, the Department of Justice is increased by $112,708 general fund in FY 2024 and $57,412 general fund in FY 2025.

If SB 522 is passed and approved, the Department of Justice is increased by $75,505 state special revenue in FY 2024 and $81,258 state special revenue in FY 2025.

If SB 538 is passed and approved, the Department of Justice is increased by $22,200 state special revenue in FY 2024 and $22,200 state special revenue in FY 2025.

PUBLIC SERVICE COMMISSION (42010)

1. Public Service Regulation Program (01)											
0	4,839,263	273,691	0	0	5,112,954	0	4,869,603	273,691	0	0	5,143,294
a. Legislative Audit (Restricted/Biennial)											
0	40,306	0	0	0	40,306	0	0	0	0	0	0
b. Software Modernization Project (REDDI) (Biennial)											
0	170,000	0	0	0	170,000	0	138,000	0	0	0	138,000
c. Retirement Payouts (Restricted/Biennial/OTO)											
0	80,225	0	0	0	80,225	0	0	0	0	0	0
Total											
0	5,129,794	273,691	0	0	5,403,485	0	5,007,603	273,691	0	0	5,281,294

The Public Service Regulation Program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
OFFICE OF STATE PUBLIC DEFENDER (61080)											
1. Public Defender Division (01) (Biennial)											
27,175,858	0	0	0	0	27,175,858	27,299,313	0	0	0	0	27,299,313
a. Yellowstone County - Continue Funding (Restricted/Biennial/OTO)											
750,000	0	0	0	0	750,000	750,000	0	0	0	0	750,000
b. Extend and Enhance OPD Case Mgmt System (Biennial/OTO)											
175,000	0	0	0	0	175,000	175,000	0	0	0	0	175,000
c. Additional Authority for Contracted Defenders (Restricted/Biennial/OTO)											
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
d. Funding to Reduce Necessary Attorney Gap (Restricted)											
604,971	0	0	0	0	604,971	609,148	0	0	0	0	609,148
2. Appellate Defender Division (02) (Biennial)											
2,639,657	0	0	0	0	2,639,657	2,659,318	0	0	0	0	2,659,318
3. Conflict Defender Division (03) (Biennial)											
9,509,731	0	0	0	0	9,509,731	9,625,164	0	0	0	0	9,625,164
a. Additional Authority for Contracted Defenders (Restricted/Biennial/OTO)											
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
4. Central Services Division (04) (Biennial)											
4,562,332	0	0	0	0	4,562,332	4,659,639	0	0	0	0	4,659,639
a. Legislative Audit (Restricted/Biennial)											
69,415	0	0	0	0	69,415	0	0	0	0	0	0
b. Annual Meetings (Restricted/OTO)											
75,000	0	0	0	0	75,000	75,000	0	0	0	0	75,000
c. Consistent Computer Hardware Replacement Funding (Restricted/OTO)											
50,000	0	0	0	0	50,000	50,000	0	0	0	0	50,000
Total											
45,911,964	0	0	0	0	45,911,964	46,202,582	0	0	0	0	46,202,582

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The Central Services Division includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

It is the intent of the Legislature that the appropriations for Additional Authority for Contracted Defenders will not be utilized for contractors eligible and qualified to provide defendants with adequate counsel in cases in which the state has indicated it will seek the death penalty without attempting to fully staff cases with employees.

The appropriation for Funding to Reduce Necessary Attorney Gap is restricted by the requirement that all management personnel who are members of the Montana Bar, except the director and division administrators, perform at least 25% of the average caseload of line attorneys.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

The Conflict Defender Division includes an increase in general fund of $87,533 in FY 2024 and $112,620 in FY 2025. The increase was provided to offset inflationary impacts. The Office of State Public Defender may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 37 is passed and approved and SB 148 is not passed and approved, the Office of State Public Defender is increased by $618,341 general fund in FY 2024 and $618,341 general fun in FY 2025. If SB 148 is passed and approved and HB 37 is not passed and approved, the Office of State Public Defender is increased by $407,590 general fund in FY 2024 and $407,590 general fund in FY 2025. If both HB 37 and SB 148 are passed and approved, the Office of State Public Defender is increased by $618,341 general fund in FY 2024 and $618,341 general fund in FY 2025..

If HB 38 is passed and approved, the Office of State Public Defender is increased by $19,135 general fund in FY 2024 and $19,135 general fund in FY 2025.

If HB 111 is passed and approved, the Office of State Public Defender is reduced by $19,620 general fund in FY 2024 and $19,620 general fund in FY 2025.

If HB 112 is passed and approved, the Office of State Public Defender is increased by $3,692 general fund in FY 2024 and $3,692 general fund in FY 2025.

If HB 555 is passed and approved, the Office of State Public Defender is increased by $31,428 general fund in FY 2024.

If SB 11 is passed and approved, the Office of State Public Defender is increased by $1,250 general fund in FY 2024 and $1,250 general fund in FY 2025.

If SB 13 is passed and approved, the Office of State Public Defender is increased by $10,000 general fund in FY 2024 and $10,000 general fund in FY 2025.

If SB 19 is passed and approved, the Office of State Public Defender is increased by $95,850 general fund in FY 2024 and $95,850 general fund in FY 2025.

If SB 469 is passed and approved, the Office of State Public Defender is increased by $262,416 general fund in FY 2024 and $262,416 general fund in FY 2025.

DEPARTMENT OF CORRECTIONS (64010)

1. Director's Office/Central Services Division (01) (Biennial)

14,394,340	512,263	0	118,803	0	15,025,406	14,445,708	510,706	0	119,201	0	15,075,615

a. Legislative Audit (Restricted/Biennial)

134,352	0	0	0	0	134,352	0	0	0	0	0	0

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2. Public Safety Division (02) (Biennial)											
134,565,497	1,799,099	0	0	0	136,364,596	136,243,577	1,799,093	0	0	0	138,042,670
a. Equipment/IT Upgrades (Restricted/OTO)											
290,700	0	0	0	0	290,700	0	0	0	0	0	0
b. Vehicle Replacement (Restricted/OTO)											
495,000	0	0	0	0	495,000	0	0	0	0	0	0
c. Prior Session Staffing Correction (OTO)											
858,150	0	0	0	0	858,150	853,714	0	0	0	0	853,714
d. Additional Authority for Correctional Officers (Restricted/OTO)											
1,250,000	0	0	0	0	1,250,000	1,250,000	0	0	0	0	1,250,000
3. Rehabilitations and Programs Division (03) (Biennial)											
91,182,742	4,833,643	0	0	0	96,016,385	96,194,061	4,833,602	0	0	0	101,027,663
a. Efficiencies in Community Corrections (Restricted/OTO)											
1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
b. DOC Supplemental Option 1 (Restricted/OTO)											
1,467,861	0	0	0	0	1,467,861	1,636,266	0	0	0	0	1,636,266
4. Board of Pardons and Parole (04)											
1,216,210	0	0	0	0	1,216,210	1,217,173	0	0	0	0	1,217,173
a. ACA Accreditation (Restricted/Biennial/OTO)											
15,000	0	0	0	0	15,000	15,000	0	0	0	0	15,000
Total											
246,869,852	7,145,005	0	118,803	0	254,133,660	252,855,499	7,143,401	0	119,201	0	260,118,101

All appropriations for the Director's Office/Central Services Division, the Public Safety Division, and the Rehabilitations and Programs Division are biennial.

The Director's Office/Central Services Division includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

Appropriations for Vehicle Replacement may be used by the Department of Corrections only to purchase the following vehicles for operation at the Montana State Prison: eight new security vehicles, one new cargo van, and one new gator vehicle.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Appropriations for Equipment/IT upgrades may be used by the Department of Corrections only to purchase the following items: one mini excavator, one manlift, additional security cameras, one warehouse forklift, one emergency generator for the Montana State Prison high side kitchen, and one security utility vehicle.

Appropriations in Efficiencies in Community Corrections may be used by the Department of Corrections to expand nonresidential capacity by moving offenders that are suitable and appropriate to be moved into the community from prerelease beds.

Appropriations in DOC Supplemental Option 1 may be utilized by the Department of Corrections to expand capacity within community corrections providers.

Appropriations in ACA Accreditation are contingent on the Montana Board of Pardons and Parole first receiving its correctional certification through the American Correctional Association.

Appropriations in Additional Authority for Correctional Officers may be used only after the Department of Corrections has fully expended all personal services appropriated for the purpose of paying correctional officers in the amount of $67,692,715 for the 2025 biennium.

The Public Safety Division includes an increase in general fund of $1,034,160 in FY 2024 and $1,290,984 in FY 2025 and an increase in state special revenue of $6,749 in FY 2024 and $6,743 in FY 2025. The increase was provided to offset inflationary impacts. The Department of Corrections may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 15 is passed and approved, the Department of Corrections is increased by $1,034 general fund in FY 2024 and $2,211 general fund in FY 2025.

If HB 174 is passed and approved, the Department of Corrections is increased by $1,363,752 general fund in FY 2024 and $1,363,752 general fund in FY 2025.

If HB 398 is passed and approved, the Department of Corrections is increased by $273,708 general fund in FY 2024 and $265,308 general fund in FY 2025, and the Department of Corrections may increase full-time equivalent positions authorized in HB 2 by 3.00 FTE in FY 2024 and 3.00 FTE in FY 2025.

If HB 500 is passed and approved, the Department of Corrections is increased by $34,120 general fund and decreased by $71,796 state special revenue in FY 2024 and is increased by $34,120 general fund and decreased by $71,796 state special revenue in FY 2025, and the Department of Corrections must decrease full-time equivalent positions authorized in HB 2 by 0.50 FTE in FY 2024 and 0.50 FTE in FY 2025.

If HB 541 is passed and approved, the Department of Corrections is increased by $15,000 one-time-only state special revenue in FY 2024.

TOTAL SECTION D											
400,043,512	97,363,229	15,528,687	2,123,365	0	515,058,793	404,369,110	98,019,277	16,127,807	2,130,110	0	520,646,304

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
E. EDUCATION											
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (35010)											
1. OPI Administration (06)											
9,773,869	309,981	17,578,041	0	0	27,661,891	9,847,881	311,859	17,734,621	0	0	27,894,361
a. Audiology (Restricted/OTO)											
333,692	0	0	0	0	333,692	0	0	0	0	0	0
b. MT Indian Language Preservation (Restricted/Biennial)											
750,000	0	0	0	0	750,000	750,000	0	0	0	0	750,000
c. Montana Digital Academy (Restricted)											
2,077,863	0	0	0	0	2,077,863	2,125,737	0	0	0	0	2,125,737
d. Teacher Licensure System (Restricted/Biennial)											
0	166,348	0	0	0	166,348	0	166,333	0	0	0	166,333
2. Distribution to Public Schools (09)											
0	750,000	155,735,391	0	0	156,485,391	0	750,000	155,735,391	0	0	156,485,391
a. K-12 BASE Aid (Restricted/Biennial)											
453,098,087	426,054,000	0	0	0	879,152,087	494,822,497	435,529,000	0	0	0	930,351,497
b. CTE CTSO (Restricted/Biennial)											
553,000	0	0	0	0	553,000	553,000	0	0	0	0	553,000
c. CTE State Match (Restricted/Biennial)											
1,500,000	0	0	0	0	1,500,000	1,500,000	0	0	0	0	1,500,000
d. At-Risk Student Payment (Restricted/Biennial)											
6,032,369	0	0	0	0	6,032,369	6,213,340	0	0	0	0	6,213,340
e. Transportation (Restricted/Biennial)											
11,998,552	0	0	0	0	11,998,552	11,998,552	0	0	0	0	11,998,552
f. State Tuition Payments (Restricted/Biennial)											
259,926	0	0	0	0	259,926	259,926	0	0	0	0	259,926
g. Indian Language Immersion (Restricted/Biennial)											
96,970	0	0	0	0	96,970	96,970	0	0	0	0	96,970

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
h. School Food (Restricted/Biennial)											
687,954	0	0	0	0	687,954	695,954	0	0	0	0	695,954
i. In-State Treatment (Restricted/Biennial)											
1,152,212	0	0	0	0	1,152,212	1,161,555	0	0	0	0	1,161,555
j. Gifted and Talented (Restricted/Biennial)											
350,000	0	0	0	0	350,000	350,000	0	0	0	0	350,000
k. Advancing Agricultural Education (Restricted/Biennial)											
151,960	0	0	0	0	151,960	151,960	0	0	0	0	151,960
l. Transformational Learning (Restricted/Biennial)											
2,349,017	0	0	0	0	2,349,017	2,412,614	0	0	0	0	2,412,614
m. Advanced Opportunities (Restricted/Biennial)											
3,699,487	0	0	0	0	3,699,487	3,799,646	0	0	0	0	3,799,646
n. School Safety Grants (Restricted/Biennial)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
o. Coal MT (Restricted/Biennial)											
1,693,274	0	0	0	0	1,693,274	1,693,274	0	0	0	0	1,693,274
p. Major Maintenance Aid (Restricted)											
10,270,000	1,828,464	0	0	0	12,098,464	10,578,100	1,570,176	0	0	0	12,148,276
q. Recruitment and Retention (Restricted/Biennial)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
r. National Board Certification (Restricted/Biennial)											
178,940	0	0	0	0	178,940	178,588	0	0	0	0	178,588
s. Debt Service Assistance (Restricted)											
0	15,000,000	0	0	0	15,000,000	0	15,000,000	0	0	0	15,000,000
t. Adult Basic Education (Restricted/Biennial)											
525,000	0	0	0	0	525,000	525,000	0	0	0	0	525,000
Total											
508,132,172	444,108,793	173,313,432	0	0	1,125,554,397	550,314,594	453,327,368	173,470,012	0	0	1,177,111,974

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

All revenue up to $1.5 million in the state traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated for the 2025 biennium as provided in Title 20, chapter 7, part 5.

All appropriations for federal special revenue appropriations in OPI Administration and in Distribution to Public Schools are biennial. All general fund appropriations in Distribution to Public Schools are biennial except for major maintenance aid and debt service assistance.

OPI Administration includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

OPI Administration includes general fund operating expenses reductions of $166,348 in FY 2024 and $166,333 in FY 2025. If HB 403 is not passed and approved, the reduction of general fund and the appropriation for Teacher Licensure System are void and the appropriations for OPI Administration are increased by $166,348 in general fund operating expenses in FY 2024 and $166,333 in general fund in FY 2025. If HB 403 is passed and approved, the appropriation for Teacher Licensure System is increased by $8,889 state special revenue operating expenses in FY 2024 and increased by $188,904 state special revenue operating expenses in FY 2025.

If HB 257 is passed and approved, the appropriation for Advanced Opportunities is void.

If HB 587 is passed and approved, K-12 BASE Aid is increased by $36,458,256 general fund local assistance in FY 2025. If HB 587 is not passed and approved, K-12 BASE Aid is increased by $426,054,000 general fund local assistance in FY 2024 and $435,529,000 general fund local assistance in FY 2025 and is decreased by $426,054,000 state special revenue local assistance in FY 2024 and $435,529,000 state special revenue local assistance in FY 2025.

If HB 818 is passed and approved and contains an appropriation for Major Maintenance Aid and Debt Service Assistance, the appropriations for Major Maintenance Aid and Debt Service Assistance are void.

If HB 346 is passed and approved, the appropriations for OPI Administration are decreased by $32,000 general fund local assistance in FY 2024 and decreased by $32,000 general fund local assistance in FY 2025.

OPI Administration includes an increase in general fund of $54,933 in FY 2024 and $71,349 in FY 2025, an increase in state special revenue of $1,213 in FY 2024 and $1,600 in FY 2025, and an increase in federal special revenue of $110,154 in FY 2024 and $143,330 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 36 is passed and approved, K-12 BASE Aid is increased by $60,288 general fund local assistance in FY 2024 and $299,696 general fund local assistance in FY 2025.

If HB 171 is passed and approved, OPI Administration is increased by $81,300 general fund in FY 2024 and $78,500 general fund in FY 2025; State Tuition Payments are decreased by $199,015 general fund in FY 2025; In-State Treatment is increased by $1,845,330 general fund in each fiscal year of the biennium; and the Office of Public Instruction may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If HB 212 is passed and approved, K-12 BASE Aid is increased by $2,745,568 general fund local assistance in FY 2025.

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 352 is passed and approved, OPI Administration is increased by $153,748 general fund in FY 2024 and $148,148 general fund in FY 2025, and the Office of Public Instruction may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE in FY 2024 and 2.00 FTE in FY 2025.

If HB 393 is passed and approved, OPI Administration is increased by $17,544 general fund in FY 2024 and $25,241 general fund in FY 2025, and the Office of Public Instruction may increase full-time equivalent positions authorized in HB 2 by 1.00 FTE in FY 2024 and 1.00 FTE in FY 2025.

If HB 396 is passed and approved, K-12 BASE Aid is increased by $1,977,675 general fund local assistance in FY 2024 and $2,199,656 general fund local assistance in FY 2025.

If HB 549 is passed and approved, K-12 BASE Aid is increased by $816,893 general fund local assistance in FY 2025.

If HB 562 is passed and approved, K-12 BASE Aid is increased by $424,542 general fund local assistance in FY 2025.

If HB 588 is passed and approved, K-12 BASE Aid is increased by $209,361 general fund local assistance in FY 2025.

If HB 774 is passed and approved, K-12 BASE Aid is increased by $4,738,597 general fund local assistance in FY 2025.

If SB 70 is passed and approved, Recruitment and Retention is increased by $103,000 general fund in FY 2024 and $166,000 general fund in FY 2025.

BOARD OF PUBLIC EDUCATION (51010)

1. Administration Program (01)											
423,618	0	0	0	0	423,618	426,643	0	0	0	0	426,643
a. Legislative Audit (Restricted/Biennial)											
20,153	0	0	0	0	20,153	0	0	0	0	0	0
Total											
443,771	0	0	0	0	443,771	426,643	0	0	0	0	426,643

The Administration Program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

The Administration Program includes general fund appropriations of $166,348 in FY 2024 and $166,333 in FY 2025 and state special revenue reductions of $166,348 in FY 2024 and $166,333 in FY 2025. The increase in general fund and reduction of state special revenue is contingent on the passage and approval of HB 403.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

The Administration Program includes an increase in general fund of $1,778 in FY 2024 and $2,257 in FY 2025. The increase was provided to offset inflationary impacts. The agency may allocate this increase in funding among programs when developing 2025 biennium operating plans.

If HB 549 is passed and approved, the Board of Public Education is increased by $147,166 general fund in FY 2024 and $141,566 general fund in FY 2025.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
MONTANA SCHOOL FOR THE DEAF AND BLIND (51130)											
1. Administration Program (01)											
676,007	3,394	0	0	0	679,401	678,052	3,394	0	0	0	681,446
a. Legislative Audit (Restricted/Biennial)											
29,110	0	0	0	0	29,110	0	0	0	0	0	0
2. General Services Program (02)											
575,394	0	0	0	0	575,394	574,981	0	0	0	0	574,981
3. Student Services Program (03)											
1,904,401	0	34,729	0	0	1,939,130	1,912,594	0	34,729	0	0	1,947,323
4. Education Program (04)											
5,634,704	289,863	159,587	0	0	6,084,154	5,625,749	289,863	159,587	0	0	6,075,199
Total											
8,819,616	293,257	194,316	0	0	9,307,189	8,791,376	293,257	194,316	0	0	9,278,949

The Administration Program and General Services Program include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

If HB 15 is passed and approved, the Montana School For the Deaf and Blind is increased by $2,388 general fund in FY 2024 and $5,105 general fund in FY 2025.

MONTANA ARTS COUNCIL (51140)											
1. Promotion of the Arts (01)											
604,683	215,886	782,008	0	0	1,602,577	605,840	216,633	783,735	0	0	1,606,208
a. Legislative Audit (Restricted/Biennial)											
31,349	0	0	0	0	31,349	0	0	0	0	0	0
Total											
636,032	215,886	782,008	0	0	1,633,926	605,840	216,633	783,735	0	0	1,606,208

All HB 2 federal funding appropriations for the Montana Arts Council are biennial appropriations.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Promotion of the Arts includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

If HB 314 is passed and approved, the Montana Arts Council is increased by $2,750 general fund and $2,750 federal special revenue in FY 2024 and $2,750 general fund and $2,750 federal special revenue in FY 2025.

MONTANA STATE LIBRARY COMMISSION (51150)

1. Statewide Library Resources (01)											
3,127,536	2,973,109	1,496,515	0	0	7,597,160	3,175,143	2,978,502	1,498,326	0	0	7,651,971
a. Legislative Audit (Restricted/Biennial)											
29,110	0	0	0	0	29,110	0	0	0	0	0	0
b. Real Time Network (Restricted/OTO)											
0	500,000	0	0	0	500,000	0	500,000	0	0	0	500,000
c. Hot Spot Program (OTO)											
0	400,000	0	0	0	400,000	0	400,000	0	0	0	400,000
Total											
3,156,646	3,873,109	1,496,515	0	0	8,526,270	3,175,143	3,878,502	1,498,326	0	0	8,551,971

Statewide Library Resources includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 314 is passed and approved, the Montana State Library Commission is increased by $2,100 general fund in FY 2024 and $2,100 general fund in FY 2025.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

MONTANA HISTORICAL SOCIETY (51170)

1. Administration Program (01)											
1,480,201	498,787	129,188	294,412	0	2,402,588	1,280,945	1,154,651	129,921	327,986	0	2,893,503
a. Legislative Audit (Restricted/Biennial)											
49,262	0	0	0	0	49,262	0	0	0	0	0	0
b. Temporary Location Rent and Moving Costs (Restricted/OTO)											
134,823	0	0	0	0	134,823	107,535	0	0	0	0	107,535

	Fiscal 2024						Fiscal 2025				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2. Research Center (02)											
1,362,903	342,272	0	35,213	0	1,740,388	1,101,112	762,665	0	35,208	0	1,898,985
a. Legislative Archive Costs (Restricted/Biennial/OTO)											
0	48,000	0	0	0	48,000	0	0	0	0	0	0
3. Museum Program (03)											
636,495	733,760	0	3,079	0	1,373,334	387,217	1,142,129	0	3,079	0	1,532,425
a. Military Equipment Moving and Storage (Restricted/Biennial/OTO)											
25,000	0	0	0	0	25,000	0	0	0	0	0	0
4. Publications Program (04)											
254,525	0	0	351,306	0	605,831	255,730	0	0	374,935	0	630,665
5. Education Program (05)											
296,027	292,089	0	26,868	0	614,984	297,564	361,506	0	26,980	0	686,050
6. Historic Preservation Program (06)											
61,218	0	823,694	196,705	0	1,081,617	61,608	0	827,970	224,533	0	1,114,111
Total											
4,300,454	1,914,908	952,882	907,583	0	8,075,827	3,491,711	3,420,951	957,891	992,721	0	8,863,274

The Administration Program includes a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 132 is passed and approved by the Legislature, Legislative Audit is void.

COMMISSIONER OF HIGHER EDUCATION (51020)

1. OCHE Administration Program (01)											
3,767,763	0	0	723,465	0	4,491,228	3,790,759	0	0	723,465	0	4,514,224
a. Legislative Audit (Restricted/Biennial)											
71,655	0	0	0	0	71,655	0	0	0	0	0	0
b. Seamless System (Restricted/OTO)											
1,500,000	0	0	0	0	1,500,000	1,500,000	0	0	0	0	1,500,000

	Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. MUS Sprint Degree (Restricted/OTO)											
1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
d. One-Two-Free Program (Restricted/OTO)											
0	0	0	0	0	0	1,400,000	0	0	0	0	1,400,000
2. Student Assistance Program (02)											
12,629,244	360,542	0	0	0	12,989,786	13,609,660	364,220	0	0	0	13,973,880
3. Community College Assistance (04)											
15,361,411	0	0	0	0	15,361,411	16,421,848	0	0	0	0	16,421,848
a. Community College Audit Costs (Restricted/Biennial)											
178,100	0	0	0	0	178,100	0	0	0	0	0	0
4. Educational Outreach and Diversity (06)											
142,706	0	9,486,998	0	0	9,629,704	144,745	0	9,510,468	0	0	9,655,213
5. Workforce Development Program (08)											
103,077	0	6,344,706	0	0	6,447,783	103,048	0	6,344,340	0	0	6,447,388
6. Appropriation Distribution (09)											
188,695,015	33,627,425	0	0	0	222,322,440	190,592,897	33,027,425	0	0	0	223,620,322
a. Legislative Audit (Restricted/Biennial)											
626,978	0	0	0	0	626,978	0	0	0	0	0	0
7. Research and Development Agencies (10)											
32,608,384	819,968	0	0	0	33,428,352	32,763,282	819,968	0	0	0	33,583,250
a. MAES Seed Lab (Restricted)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
b. MAES Wool Lab (Restricted)											
55,000	0	0	0	0	55,000	55,000	0	0	0	0	55,000
c. MBMG Data Preservation (Restricted)											
0	300,000	0	0	0	300,000	0	300,000	0	0	0	300,000
d. MAES (Restricted)											
300,000	0	0	0	0	300,000	300,000	0	0	0	0	300,000

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
e. Precision Agriculture (Restricted)											
300,000	0	0	0	0	300,000	300,000	0	0	0	0	300,000
8. Tribal College Assistance Program (11)											
918,400	0	0	0	0	918,400	918,400	0	0	0	0	918,400
a. HiSET to Tribal Colleges (Restricted/OTO)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
9. Guaranteed Student Loan (12)											
0	0	2,380,996	0	0	2,380,996	0	0	2,390,871	0	0	2,390,871
10. Board of Regents Administration (13)											
68,652	0	0	0	0	68,652	68,977	0	0	0	0	68,977
Total											
258,526,385	35,107,935	18,212,700	723,465	0	312,570,485	263,168,616	34,511,613	18,245,679	723,465	0	316,649,373

Items designated as OCHE Administration Program, Student Assistance Program, Educational Outreach and Diversity, Workforce Development Program, Appropriation Distribution, Guaranteed Student Loan, and Board of Regents Administration are designated as biennial appropriations.

General fund money, state and federal special revenue, and proprietary fund revenue appropriated to the Board of Regents are included in all Montana University System programs. All other public funds received by units of the Montana University System (other than plant funds appropriated in HB 5 relating to long-range building) are appropriated to the Board of Regents and may be expended under the provisions of 17-7-138(2). The Board of Regents shall allocate the appropriations to individual University System units, as defined in 17-7-102(15), according to board policy.

The Montana University System, except for the Office of the Commissioner of Higher Education and the community colleges, shall provide the Office of Budget and Program Planning and the Legislative Fiscal Division Banner access to the entire University System's information system, except for information pertaining to individual students and individual employees that is protected by Article II, sections 9 and 10, of the Montana Constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S. C. 1232g.

The Montana University System shall provide the electronic data required for entering human resource data for the current unrestricted operating funds into the internet budgeting and reporting system. The salary and benefit data provided must reflect approved Board of Regents operating budgets.

The community college FTE decrease funding factor is $3,125 for FY 2024 and $3,125 for FY 2025. The community college FTE increase funding factor is $6,250 for FY 2024 and $6,250 for FY 2025. The community college weighting factors for the 2025 biennium are 1.50 for CTE FTE, 1.00 for general education FTE, 0.50 for early college FTE, and 0.25 for concurrent enrollment FTE.

The commissioner may adjust the funding distribution between community colleges based on actual enrollment.

Fiscal 2024						Fiscal 2025					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The general fund appropriation for Community College Assistance is calculated to fund education in the community colleges for an estimated 1,865 resident FTE in FY 2024 and 1,951 in FY 2025. If total weighted resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges must receive a reimbursement for the underpayment from the community college FTE adjustment account. If actual resident FTE student enrollment is less than the estimated numbers for the biennium, the community colleges shall pay a fee equal to the overpayment amount to be deposited in the FTE adjustment account in accordance with 20-15-328.

Funding to be transferred to the state energy conservation program debt service account for energy improvements are as follows: Transferred funding for each year of the biennium to retire bonded projects are MSU Northern -- $16,200 in FY 2024 and $16,200 in FY 2025, MSU Billings -- $45,519 in both FY 2024 and FY 2025, MSU Great Falls -- $86,500 in FY 2024 and $80,000 for FY 2025. Funding to be transferred for each year of the biennium for state energy revolving projects are MSU Billings -- $55,323, MSU Northern -- $69,099, and Miles Community College -- $23,553. Montana State University transfers are $254,753 in FY 2024 and $253,822 in FY 2025.

Total audit costs are estimated to be $178,000 for the community colleges for the biennium. Audit costs charged to the community colleges for the biennium may not exceed $58,100 for Flathead Valley Community College, $55,000 for Miles Community College, and $65,000 for Dawson Community College. Total audit costs for the Office of Commissioner of Higher Education and the Board of Regents is $71,655, UM - Missoula is $313,489, and MSU - Bozeman is $313,489.

OCHE Administration Program, Appropriation Distribution, and Research and Development Agencies include a one-time-only reduction in FY 2024 and FY 2025 for a suspension of insurance premium payments to the Risk Management and Tort Defense Division's proprietary fund.

If HB 482 is passed and approved, the Commissioner of Higher Education is increased by $56,132 general fund in FY 2024 and $115,631 general fund in FY 2025.

If HB 833 is passed and approved, the Commissioner of Higher Education is increased by $35,000 general fund in FY 2025 and $15,000 one-time-only general fund in FY 2025.

If HB 314 is passed and approved, the Commissioner of Higher Education is increased by $5,600 general fund in FY 2024 and $5,600 general fund in FY 2025.

TOTAL SECTION E											
784,015,076	485,513,888	194,951,853	1,631,048	0	1,466,111,865	829,973,923	495,648,324	195,149,959	1,716,186	0	1,522,488,392
TOTAL STATE FUNDING											
2,119,211,634	1,453,045,272	3,518,155,489	14,666,038	0	7,105,078,433	2,176,500,071	1,487,067,403	3,663,916,863	14,559,316	0	7,342,043,653

Section 11. Rates. Internal service fund type fees and charges established by the Legislature for the 2025 biennium in compliance with 17-7-123(1)(f)(ii) are as follows:

	Fiscal 2024	Fiscal 2025
DEPARTMENT OF REVENUE -- 5801		
1. Information Management and Collections Division		
Delinquent Account Collection Fee (maximum percent of amount collected)	5.00%	4.75%
DEPARTMENT OF ADMINISTRATION -- 6101		
1. Director's Office		
a. Management Services		
Total Allocation of Costs	$1,723,224	$1,723,224
Portion of unit for HR charges per FTE of user programs	$1,265	$1,265
b. Chief Data Office		
Total Allocation Costs	$500,000	$500,000
2. State Financial Services Division		
a. SABHRS Finance and Budget Bureau		
SABHRS Services Fee (total allocation of costs)	$4,793,865	$4,570,860
b. Warrant Writer		
Mailer	$0.88432	$0.88432
Nonmailer	$0.38241	$0.38241
Emergency	$14.34045	$14.34045
Duplicates	$9.56030	$9.56030
Payroll-Printed Warrants	$0.16126	$0.16126
Externals		
University System	$0.12907	$0.12907
Direct Deposit		
Direct Deposit - Mailer	$1.05163	$1.05163
Direct Deposit - No Advice Printed	$0.14340	$0.14340
Unemployment Insurance		
Mailer - Print Only	$0.12564	$0.12564
Direct Deposit - No Advice Printed	$0.03162	$0.03162
3. General Services Division		
a. Facilities Management Bureau		
Office Rent (per sq. ft.)	$11.415	$11.421
Nonoffice Rent (per sq. ft.)	$7.599	$7.605
Grounds Maintenance (per sq. ft. - only one building)	$0.615	$0.615
Project Management - In-house	15%	15%
Project Management - Consultation	Actual Cost	Actual Cost
State Employee Access ID Card	Actual Cost	Actual Cost
b. Print and Mail Services		
Internal Printing		
Impression Cost	Cost + 25%	Cost + 25%
Large Format Color	Cost + 25%	Cost + 25%
Ink	Cost + 25%	Cost + 25%
Bindery Work	Cost + 25%	Cost + 25%
Variable Data Printing	Cost + 25%	Cost + 25%
Pick and Pack Fulfilment	$1.00	$1.00
Overtime	$30.00	$30.00
Desktop	$75.00	$75.00
Scan	Cost + 25%	Cost + 25%
IT Programming	$95.00	$95.00
File Transfer	$25.00	$25.00
Mainframe Printing	$0.071	$0.071

Warrant Printing	$0.300	$0.300
CD/DVD Duplicating	Cost + 25%	Cost + 25%
Prepress Work	Cost + 25%	Cost + 25%
Inventory Mark Up	20.00%	20.00%
External Printing		
Percent of Invoice Mark Up	8.80%	8.80%
Managed Print		
Percent of Invoice Mark Up	15.9%	15.9%
Mail Preparation		
Tabbing	$0.023	$0.023
Labeling	$0.023	$0.023
Ink Jet	$0.036	$0.036
Inserting	$0.045	$0.045
Waymark	$0.069	$0.069
Permit Mailings	$0.069	$0.069
Mail Operations		
Machinable	$0.043	$0.043
Nonmachinable	$0.110	$0.110
Seal Only	$0.020	$0.020
Postcards	$0.070	$0.070
Certified Mail	$0.620	$0.620
Registered Mail	$0.614	$0.614
International Mail	$0.510	$0.510
Flats	$0.150	$0.150
Priority	$0.614	$0.614
Express Mail	$0.614	$0.614
USPS Parcels	$0.510	$0.510
Insured Mail	$0.614	$0.614
Media Mail	$0.320	$0.320
Standard Mail	$0.200	$0.200
Postage Due	$0.061	$0.061
Fee Due	$0.061	$0.061
Tapes	$0.245	$0.245
Express Services	$0.500	$0.500
Mail Tracking	$0.250	$0.250
Cass Letters/Postcards	$0.047	$0.047
Cass Flats	$0.100	$0.100
Flat Sorter	$0.500	$0.500
Interagency Mail	$365,550 yearly	$365,550 yearly
Postal Contract (Capitol)	$38,976 yearly	$38,976 yearly

4. State Information Technology Services Division

Rates Maintained/Based on SITSD's Tech Budget Model

Operations of the Division 30-Day Working Capital Reserve

The 30-day working capital reserve used to establish State Information Technology Services Division rates for state agencies included in HB 2 must be based on personal services of $20,607,646 in FY 2024 and $20,719,790 in FY 2025, operating expenses of $45,622,433 in FY 2024 and $45,518,444 in FY 2025, equipment and intangible assets of $370,861 in FY 2024 and $370,861 in FY 2025, and debt service of $1,170,000 in FY 2024 and $1,170,000 in FY 2025. The State Information Technology Services Division shall report to the Legislative Finance Committee at its June 2023 meeting on how it implemented the state agency rates for information technology services. The State Information Technology Services Division shall also report any adjustments to state agency rates for information technology or changes in appropriations of 5.0% or greater to each expenditure category at each subsequent meeting of the Legislative Finance Committee.

It is the intent of the Legislature that the State Information Technology Services Division work with the Office of Budget and Program Planning to identify and reduce 8.00 FTE across all state agencies in the 2025 biennium as part of the information technology security consolidation project. The executive budget for the 2027 biennium must include decision packages to remove these FTE from the applicable state agency. The State Information Technology Services Division shall report on FTE reduced and the agency in which reductions were made to the Legislative Finance Committee and the General Government Interim Budget Committee at each meeting during the interim.

5. Health Care and Benefits Division		
a. Workers' Compensation Management Program Administrative Fee	$0.97	$0.97
6. State Human Resources Division		
a. State Management Training Center (per FTE cost)	$33.2965	$33.2965
b. Human Resources Information System Fee Per payroll warrant advice per pay period	$10.12	$10.10
7. Risk Management and Tort Defense		
Auto Liability, Comprehensive, and Collision (total allocation to agencies)	$1,820,313	$1,820,313
Aviation (total allocation to agencies)	$169,961	$169,961
General Liability (total allocation to agencies)	$13,151,738	$13,151,738
Property/Miscellaneous (total allocations to agencies)	$9,009,000	$9,009,000

State agencies and universities will not be billed an insurance premium in the 2025 biennium by the Risk Management and Tort Defense Division due to an overage in the state insurance fund's reserves. Any insurance premium discounts that would have been realized in the 2025 biennium through participation in the Risk Management and Tort Defense Division's risk management/loss mitigation programs must be applied from each state agency's or university's insurance premium holiday savings in a reasonable manner to avoid programmatic and funding shortfalls. The Risk Management and Tort Defense Division has the authority to bill state agencies and universities an insurance premium if the agency or university does not participate in risk management/loss mitigation activities during the 2025 biennium.

It is the intent of the Legislature that the settlements deposited in the Risk Management and Tort Defense Division's proprietary fund are not transferred for any purpose other than as directed in Title 2, chapter 9, parts 1 through 3.

DEPARTMENT OF COMMERCE -- 6501

1. Board of Investments

For the purposes of [this act], the Legislature defines "rates" as the total collections necessary to operate the Board of Investments as follows:

a. Administration Charge (total)	$7,826,543	$7,826,543
2. Director's Office/Management Services		
a. Management Services Indirect Charge Rate		
State	13.47%	13.47%
Federal	13.47%	13.47%

DEPARTMENT OF LABOR AND INDUSTRY -- 6602

1. Centralized Services Division		
a. Cost Allocation Plan	9.50%	9.50%
b. Office of Legal Services (direct hourly rate)		
Attorneys	$132	$132
Paralegals and Other Services	$97	$97
2. Technology Services Division		
a. Application Services (per hour)	$104	$104
b. Enterprise Services Rate (total amount allocated to divisions based on FTE)	$3,098,763	$3,104,826
c. Direct Services Rate (pass through to divisions)	Actual Cost	Actual Cost

DEPARTMENT OF FISH, WILDLIFE, AND PARKS – 5201

1. Vehicle and Aircraft Rates

In the Department of Fish, Wildlife, and Parks motor pool program, if the price of gasoline goes above $5.00 per gallon, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above $5.50 per gallon, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Per Hour Rates		
a. Two-Place Single Engine	$301.00	$368.00
b. Four-Place Single Engine	$301.00	$308.00
c. Turbine Helicopters	$926.00	$942.00
Tier one		
a. Class 210 (sedan)		
Per Day Assigned	$14.13	$14.14
Per Mile Operated	$0.21	$0.21
b. Class 310 (van)		
Per Day Assigned	$8.16	$8.18
Per Mile Operated	$0.26	$0.27
c. Class 410 (utility)		
Per Day Assigned	$6.38	$6.38
Per Mile Operated	$0.29	$0.29
d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$19.05	$19.06
Per Mile Operated	$0.37	$0.38
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$13.29	$13.30
Per Mile Operated	$0.47	$0.48
f. Class 1 Ton		
Per Day Assigned	$40.86	$40.87
Per Mile Operated	$0.45	$0.45
Tier two (contingent $5.00/gallon)		
a. Class 210 (sedan)		
Per Day Assigned	$14.13	$14.14
Per Mile Operated	$0.22	$0.23
b. Class 310 (van)		
Per Day Assigned	$8.16	$8.18
Per Mile Operated	$0.28	$0.29
c. Class 410 (utility)		
Per Day Assigned	$6.38	$6.38
Per Mile Operated	$0.31	$0.31
d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$19.05	$19.06
Per Mile Operated	$0.40	$0.41
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$13.29	$13.30
Per Mile Operated	$0.51	$0.52
f. Class 1 Ton		
Per Day Assigned	$40.86	$40.87
Per Mile Operated	$0.48	$0.49
Tier three (contingent $5.50/gallon)		
a. Class 210 (sedan)		
Per Day Assigned	$14.13	$14.14
Per Mile Operated	$0.23	$0.24
b. Class 310 (van)		
Per Day Assigned	$8.16	$8.18
Per Mile Operated	$0.30	$0.31

c. Class 410 (utility)		
Per Day Assigned	$6.38	$6.38
Per Mile Operated	$0.33	$0.34
d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$19.05	$19.06
Per Mile Operated	$0.43	$0.44
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$13.29	$13.30
Per Mile Operated	$0.55	$0.56
f. Class 1 Ton		
Per Day Assigned	$40.86	$40.87
Per Mile Operated	$0.51	$0.52
2. Proprietary Maintenance Rate		
Per Hour	$78.50	$78.50

DEPARTMENT OF ENVIRONMENTAL QUALITY -- 5301

Indirect Rate		
a. Personal Services	24%	24%
b. Operating Expenditures	4%	4%

DEPARTMENT OF TRANSPORTATION -- 5401

1. State Motor Pool

In the state motor pool program, if the price of gasoline goes above $4.39, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above $4.89, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Tier one		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.064	$1.171
Per Mile Operated	$0.199	$0.200
b. Class 04 (large utilities)		
Per Hour Assigned	$1.313	$1.497
Per Mile Operated	$0.286	$0.288
c. Class 05 (hybrid sedans)		
Per Hour Assigned	$0.933	$1.013
Per Mile Operated	$0.190	$0.192
d. Class 06 (midsize compacts)		
Per Hour Assigned	$0.999	$1.089
Per Mile Operated	$0.193	$0.195
e. Class 07 (small pickups)		
Per Hour Assigned	$0.415	$0.428
Per Mile Operated	$0.318	$0.321
f. Class 11 (large pickups)		
Per Hour Assigned	$1.407	$1.505
Per Mile Operated	$0.291	$0.293
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.162	$1.192
Per Mile Operated	$0.239	$0.241
Tier two (contingent $4.39/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.064	$1.171
Per Mile Operated	$0.219	$0.221
b. Class 04 (large utilities)		
Per Hour Assigned	$1.313	$1.497
Per Mile Operated	$0.317	$0.319

c. Class 05 (hybrid sedans)		
Per Hour Assigned	$0.933	$1.013
Per Mile Operated	$0.209	$0.211
d. Class 06 (midsize compacts)		
Per Hour Assigned	$0.999	$1.089
Per Mile Operated	$0.214	$0.215
e. Class 07 (small pickups)		
Per Hour Assigned	$0.415	$0.428
Per Mile Operated	$0.350	$0.353
f. Class 11 (large pickups)		
Per Hour Assigned	$1.407	$1.505
Per Mile Operated	$0.323	$0.324
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.162	$1.192
Per Mile Operated	$0.265	$0.267
Tier three (contingent $4.89/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.064	$1.171
Per Mile Operated	$0.240	$0.241
b. Class 04 (large utilities)		
Per Hour Assigned	$1.313	$1.497
Per Mile Operated	$0.347	$0.349
c. Class 05 (hybrid sedans)		
Per Hour Assigned	$0.933	$1.013
Per Mile Operated	$0.227	$0.229
d. Class 06 (midsize compacts)		
Per Hour Assigned	$0.999	$1.089
Per Mile Operated	$0.234	$0.235
e. Class 07 (small pickups)		
Per Hour Assigned	$0.415	$0.428
Per Mile Operated	$0.382	$0.385
f. Class 11 (large pickups)		
Per Hour Assigned	$1.407	$1.505
Per Mile Operated	$0.355	$0.356
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.162	$1.192
Per Mile Operated	$0.292	$0.293
2. Equipment Program		
All of Program Operations	60-day working capital reserve	
3. King Air Beechcraft		
Per Hour	$1,348.11	$1,362.39
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -- 5706		
1. Air Operations Program		
a. Bell UH-1H	$1,860	$1,860
b. Bell Jet Ranger	$525	$525
c. Cessna 180 Series	$210	$210
DEPARTMENT OF JUSTICE -- 4110		
1. Agency Legal Services		
a. Attorney (per hour)	$121.00	$121.00
b. Investigator (per hour)	$71.00	$71.00
DEPARTMENT OF CORRECTIONS -- 6401		
1. Labor Charge for Motor Vehicle Maintenance (per hour)	$30.00	$30.00
2. Supply Fee as a Percentage of Actual Costs of Parts	10%	10%
3. Cook/Chill Rate -- Hot/Cold Base Tray Price (no delivery)	$2.55	$2.65

4. Cook/Chill Rate -- Hot Base Tray Price	$1.44	$1.70
5. Delivery Charge Per Mile	$0.50	$0.50
6. Delivery Charge Per Hour	$35.00	$35.00
7. Spoilage Percentage All Customers	5%	5%
8. Detention Center Trays	$3.38	$3.73
9. Accessory Package	$0.20	$0.20
10. Overhead Charge		
a. Montana State Hospital	6%	6%
b. Montana State Prison	94%	94%
c. Treasure State Correctional Training	0%	0%
11. Base Laundry Price per pound	$0.68	$0.68
Delivery Charge per pound		
a. Riverside Youth Correctional Facility	$0.05	$0.05
b. Montana Law Enforcement Academy	$0.15	$0.15
c. Montana Chemical Dependency Corp.	$0.04	$0.04
d. START Program	$0.01	$0.01
e. University of Montana per shared round trip	$67.50	$67.50
f. Montana Development Center	$0	$0
g. Montana State Hospital	$0	$0
OFFICE OF PUBLIC INSTRUCTION -- 3501		
1. OPI Indirect Cost Pool		
a. Unrestricted Rate	17%	17%
b. Restricted Rate	17%	17%
MONTANA STATE LIBRARY -- 5115		
1. Natural Resource Information and Geographical Information Systems Rate	$398,698	$398,698

Approved June 14, 2023

CHAPTER NO. 770

[HB 332]

AN ACT GENERALLY REVISING SCHOOL DISTRICT HEALTH INSURANCE LAWS; PROVIDING INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT PARTICIPATE IN A QUALIFYING DISTRICT HEALTH INSURANCE TRUST; REQUIRING THE STATE AUDITOR TO QUALIFY A DISTRICT HEALTH INSURANCE TRUST THAT MEETS SPECIFIED REQUIREMENTS; PROHIBITING SCHOOL DISTRICTS ENTERING THE TRUST FROM IMPOSING THEIR HEALTH BENEFIT LIABILITIES ON THE TRUST; PROVIDING CONDITIONS FOR AND RAMIFICATIONS OF DISTRICT WITHDRAWAL; SPECIFYING PROCESSES IN THE CASE OF DISSOLUTION; PROVIDING CONDITIONS FOR EVENTUAL REPAYMENT OF EXCESS RESERVES TO THE STATE; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A MONEY TRANSFER; PROVIDING DEFINITIONS; AMENDING SECTIONS 17-7-502 AND 20-3-331, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Qualifying district health insurance trusts -- qualifications -- definitions -- rulemaking. (1) The first district health insurance trust that is qualified by the state auditor under this section must be provided the insurance trust incentive payment under [section 4] to stabilize

health insurance costs and capitalize an operating reserve for the school district members of the trust. The state auditor may qualify only the first district health insurance trust meeting the criteria of this section.

(2) A district health insurance trust seeking qualification from the state auditor under subsection (3) shall apply to the state auditor demonstrating that the district health insurance trust:

(a) has been created on or after July 1, 2023, by a multidistrict agreement pursuant to 20-3-363 or by an interlocal cooperative agreement among participating school districts pursuant to the provisions of Title 20, chapter 9, part 7. The terms of the agreement must include the state auditor or the auditor's designee as an ex officio nonvoting member of the trust's governing board.

(b) has a binding contractual agreement among at least 150 districts employing a minimum of 12,000 employees to participate in and obtain health insurance for its employees through the trust. The calculation of these thresholds may include:

(i) only the number of employees that are contracted to participate in and obtain health insurance through the trust by each participating district; and

(ii) school districts and their employees with current renewal cycles other than a school fiscal year provided that the districts and employees are purchasing insurance through the trust not later than the earlier of the day after the date of the expiration of their previous policy or January 1 in the first year of the trust's operation.

(c) equally allocates the shared risk of assessments among all members of the trust;

(d) determines plan design, contribution rates, and a contribution tier structure in consultation with a certified actuary;

(e) has adopted a required limit on administrative costs of not more than 12% of total costs in the formative documents of the trust. An initial commitment included in the application for qualification is legally binding on the trust in its operations.

(f) maintains full control over claims data for medical and pharmacy benefits and makes the data available to member districts on request in compliance with the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d, et seq.;

(g) provides, either directly or through a third-party administrator, estimates of costs for employees' anticipated medical treatments and procedures and estimates of required cost sharing by members;

(h) has formed as an agreement between school districts undertaken to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan as described in and subject to 33-1-102(9);

(i) prohibits any preexisting health benefits trust or district from imposing its liabilities on the trust that were incurred prior to joining the trust; and

(j) adopts contribution rates as recommended by its contracted actuary to pay all claims and maintain plan reserves at or above minimum levels of risk-based capital recommended by its actuary. The trust shall prepare and submit to the state auditor a report of its financials in a form and containing information as required by the state auditor by rule.

(3) Nothing in this section may be construed to require a district to obtain insurance through the trust in whole or in part. A district may provide insurance through the trust for some groups and through other means for other groups, provided that at least 12,000 employees must be covered under the trust to qualify for the incentives under [section 4]. Any group of a district obtaining insurance through the trust is subject to the same requirements applicable

to districts regarding the minimum duration of participation, conditions for withdrawal, and delay of return to the trust under [section 2].

(4) A district health insurance trust qualified by the state auditor may, at its option, contract services with a third-party administrator for services needed by the trust, including but not limited to enrollment, claims processing, wellness plans, and access to financial arrangements with providers through provider network agreements via a contract.

(5) The state auditor shall adopt rules necessary to implement [sections 1 through 5]. The rules must address minimum reserves and reporting requirements for the trust. The state auditor may order the dissolution of the trust if the trust fails to comply with the provisions of [sections 1 through 5] or the rules adopted by the state auditor.

(6) For the purposes of [sections 1 through 5], the following definitions apply:

(a) "Administrative costs" means the overall costs of operating a district health insurance trust except for:

(i) the cost of providing health care to members, including wellness plans to improve and promote health and fitness;

(ii) additions to reserves as recommended by the district health insurance trust's actuary under subsection (2); and

(iii) the cost of excess insurance or reinsurance for high-cost claims within the trust with plan design and deductible levels as recommended by the trust's actuary.

(b) "District" means a public school district as provided in 20-6-101 and 20-6-701 and any cooperative formed pursuant to 20-7-451 through 20-7-457.

(c) "District health insurance trust" or "trust" means an arrangement, plan, interlocal agreement, or multidistrict agreement complying with the requirements of this section that jointly provides disability insurance as defined in 33-1-207 to the officers, elected officials, or employees of districts through a member-governed, self-funded program.

(d) "Employee" means an individual employed by a district in any capacity, including but not limited to an employee meeting the definition in 2-18-601 and a teacher or principal as defined in 20-1-101 who is regularly scheduled to work at least 20 hours or more a week during the academic year.

(e) "Member" means any employee and the employee's qualified dependents who are obtaining health insurance coverage under the trust by virtue of their status as a dependent of the employee.

Section 2. District withdrawal -- procedures. (1) Except as provided in subsection (2), a district or an employee group of a district that voluntarily joins the trust must participate in the trust for at least 5 consecutive school fiscal years before becoming eligible to withdraw from the trust. To complete its withdrawal effective not earlier than the completion of at least 5 consecutive school fiscal years, the district shall notify the trust prior to withdrawing from participation pursuant to the contractual terms of coverage and membership in the district health insurance trust.

(2) (a) On or before January 1 of each plan year beginning after the second full year of providing health benefits to the members of the trust, the trust shall prepare a report for each of its participating districts and employee groups that includes the following:

(i) a per-member cost for the immediately preceding plan year calculated by dividing the total cost to the trust of providing member benefits to the district or employee group by the total number of members in the district or employee group for the applicable year. This calculation is referred to as the "cost rate" in this section.

(ii) a calculation of what the per-member contribution rates would be for the district or employee group for the current plan year using the same number of members in each of the plans offered by the trust in the immediately preceding plan year. This calculation is referred to as "the contribution rate" in this section.

(iii) a percentage rounded to the nearest tenth, calculated by dividing the contribution rate calculated as provided in subsection (2)(a)(ii) by the cost rate calculated as provided in subsection (2)(a)(i), subtracting 1, and multiplying by 100 to produce a percentage. This calculation is referred to as "the adjusted contribution inflation rate" in this section.

(iv) the annual inflation rate for medical care derived from the medical care index of the United States bureau of labor statistics for July 1 of the current plan year, converted to a percentage. This rate is referred to as "the medical care index rate" in this section.

(v) a computation and the resulting number rounded to the nearest tenth that is yielded from dividing the adjusted contribution inflation rate of the district or employee group by the medical care index rate. The resulting number is referred to as "the inflation gap factor" for the district or employee group in this section.

(b) A district or an employee group with an inflation gap factor equal to or greater than 1.5 may withdraw from the trust upon the conclusion of the plan year in which the trust reports an inflation gap factor to the district or employee group above 1.5. To complete its withdrawal, the district shall notify the trust prior to withdrawing from participation pursuant to the contractual terms of coverage and membership in the district health insurance trust.

(3) A district that has withdrawn from a district health insurance trust under subsections (1) or (2):

(a) is ineligible to rejoin the trust for at least 5 full school fiscal years following the year in which the district withdraws;

(b) is ineligible for receipt of any portion of the net assets or reserve balance of the trust attributable to the distribution of funds under [section 4(3)] on withdrawal. The portion of the net assets and reserve balance attributable to the distribution of state funds referenced under this subsection (3) must be determined by an actuarial reserve balance analysis conducted by the trust's contracted actuary; and

(c) shall reimburse the trust for the run-off liability of the withdrawing district or employee group, consisting of all claims of the withdrawing district or employee group that were incurred by the members of the district or employee group prior to the effective date of the district's or employee group's withdrawal.

Section 3. Dissolution -- disqualification. (1) If, after being qualified by the state auditor, a district health insurance trust ceases to comply with the conditions under [section 1(2)] for more than 3 consecutive years, the trust shall immediately notify the state auditor and dissolve the trust no later than the end of the next full fiscal year after the date of notification. A district health insurance trust may also voluntarily dissolve.

(2) When dissolving pursuant to this section, the district health insurance trust shall wind up the affairs of the trust in the following order:

(a) impose any assessments on the districts of the trust that are calculated by the trust's retained actuary as necessary to pay all liabilities of the trust;

(b) pay all remaining claims, including incurred but not reported claims;

(c) pay all remaining liabilities of the trust;

(d) return any reserve balance remaining from the distribution of state funds to the trust under [section 4(3)] to the state of Montana, after adjustments

under subsections (2)(a) through (2)(c), for deposit in the state general fund. The portion of the reserve balance attributable to the distribution of state funds referenced under this subsection (2)(d) must be determined by an actuarial reserve balance analysis conducted by an actuary chosen by the state auditor.

(e) distribute its remaining net assets, if any, proportionately to the districts of the trust pursuant to the contractual terms of coverage and membership in the trust. A district shall deposit funds distributed under this subsection (2)(e) in an internal service account and spend the funds in accordance with 20-3-330 or 20-3-331.

Section 4. State school health trust operating reserve account -- distribution and uses. (1) There is a state school health trust operating reserve account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide a one-time-only distribution of incentive funding to the first self-funded district health insurance trust that is qualified by the state auditor pursuant to [section 1].

(2) The state school health trust operating reserve account is statutorily appropriated, as provided in 17-7-502, to the office of public instruction for distribution as provided in this section.

(3) If a trust has been qualified by the state auditor on or before June 30, 2026, for initial operation beginning July 1, 2026, the superintendent shall, on July 1, 2026, distribute $40 million to the district health insurance trust. The qualifying district health insurance trust shall use the funds to stabilize health insurance costs through capitalization of an operating reserve for the district members of the trust.

(4) If a trust has not been qualified by June 30, 2026, the account balance must be transferred to the capital developments long-range building program account for uses consistent with 17-7-209.

Section 5. Repayment of initial reserve from state from excess reserves. (1) Beginning July 1, 2036, a trust created under [section 1], shall, as part of its annual actuarial analysis, identify and report to the state auditor no later than 90 days following the completion of its annual audit, any excess reserves existing in the trust.

(2) The trust shall remit to the state any excess reserves identified pursuant to subsection (1) until the cumulative amounts remitted reaches $40 million. The state shall deposit any amounts remitted from year to year in the capital developments long-range building program account for uses consistent with 17-7-209.

(3) For the purposes of [sections 1 through 5], "excess reserves" means reserves in excess of the greater of:

(a) reserve levels required under rules adopted by the state auditor;

(b) minimum risk-based capital recommended by the trust's actuary, using a confidence interval of 90%; or

(c) minimum capital calculated by the trust's actuary following the risk-based capital requirements applicable to a health organization that are specified in Title 33, chapter 2, part 19, at levels above the levels that would trigger a company action level event for a health organization under 33-2-1904.

Section 6. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; *[section 4];* 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs.

1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 7. Section 20-3-331, MCA, is amended to read:

"**20-3-331. Purchase of insurance -- self-insurance plan.** (1) ~~The~~ *To provide the district, trustees, and employees with liability insurance pursuant to 2-9-211 and group health and life insurance pursuant to 2-18-702, the* trustees of a district may*:*

(a) purchase insurance coverage*;*

(b) participate in a district health insurance trust as defined in [section 1] for group health insurance; or

(c) establish a self-insurance plan for the district, trustees, and employees for liability as provided in 2-9-211 and for group health and life insurance as provided in 2-18-702.

(2) The trustees shall include the cost of coverage in the ~~general fund budget of the district and as authorized for the district transportation program in 20-10-143(1)(d)~~ *district's general fund or in any other legally available fund, including the internal service fund referenced in subsection (3).*

~~(2)~~*(3)* Whenever the trustees of a district establish a self-insurance plan *or participate in a district health insurance trust as defined in [section 1]*, the trustees shall establish an internal service fund to account for the activities of the self-insurance plan."

Section 8. Transfer of funds. No later than August 15, 2023, there is transferred $40 million from the general fund to the state school health trust operating reserve account established in [section 4].

Section 9. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [sections 1 through 5].

Section 10. Effective date. [This act] is effective July 1, 2023.

Approved June 13, 2023

CHAPTER NO. 771

[HB 355]

AN ACT CREATING THE STATE-LOCAL INFRASTRUCTURE PARTNERSHIP ACT OF 2023; PROVIDING FOR GRANTS TO ELIGIBLE ENTITIES FOR INFRASTRUCTURE PROJECTS; SETTING UP A GRANT PROCESS; REQUIRING A PERCENTAGE OF MATCHING FUNDS; PROVIDING FOR OVERSIGHT; ADDRESSING COST OVERRUNS AND MISAPPROPRIATION OF FUNDS; SETTING GRANT LIMITS; PROVIDING AN APPROPRIATION; PROVIDING FOR ALLOCATIONS TO CITIES AND TOWNS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [This act] may be cited as "The State-Local Infrastructure Partnership Act of 2023".

Section 2. Purpose. The purpose of this act is to use a portion of the state's general fund surplus to fund the maintenance and repair of local

government infrastructure facilities on a partnership basis with local government supplying a cash match.

Section 3. Appropriation. For the biennium beginning July 1, 2023, there is appropriated $20 million from the general fund to the department of commerce to distribute funds as allocated in [section 11] to grant recipients awarded in compliance with [this act] for eligible projects as recommended by each legislative body of a city or town.

Section 4. Eligible use of funds -- eligible entities. (1) Except as provided in subsection (2), funds allocated in [section 11] may be used only by eligible entities to maintain or repair existing local government infrastructure, including drinking water systems, wastewater treatment systems, fire suppression systems if independent of the drinking water systems, streets, roads, bridges, landfills, street lights, airports, and public grounds and buildings.

(2) Funds allocated in [section 11] may be used to expand existing water and wastewater treatment plants that are being operated at 90% of design capacity or greater.

(3) Entities eligible for grants under [this act] include incorporated cities and towns.

Section 5. Grant process -- commission and department of commerce review -- priority. (1) The legislative body of a city or town shall solicit and accept applications for eligible projects within the city or town on or before December 31, 2023.

(2) Once all the applications have been received, the legislative body of the city or town shall hold a public hearing and, based on the information contained within the application and the information received at the public hearing, prepare a recommendation for funding in priority order and transmit the recommendation to the department of commerce.

(3) The department of commerce shall review the recommendations of the legislative body of the city or town and the content of the recommended application and determine whether the application complies with [this act]. If the application does not comply, the department shall issue notice to the applicable legislative body of the city or town.

(4) The department of commerce may not substitute its judgment for that of the legislative body of the city or town and cannot revise the recommended priority list.

(5) Priority is given to projects that maintain or repair publicly owned drinking water systems, publicly owned wastewater treatment systems, and municipal fire suppression systems that are independent of a water system.

(6) A grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 12].

(7) The department of commerce shall administer the grant program and disburse funds directly to the applicants pursuant to the provisions of [section 12].

(8) The department of commerce is authorized 2 FTE on a temporary basis through June 30, 2025. If the department's workload for the administration of [this act] requires additional staff, the office of budget and program planning may authorize an additional 2 FTE to terminate June 30, 2025. If program administration continues into the 2027 biennium, the department shall submit a budget modification request with its 2027 biennium budget request to continue the FTE on a temporary basis.

Section 6. Grant application -- contents -- matching funds requirement. Each application for grant funds must contain the following information:

(1) the name of the project for which the applicant is seeking a grant;

(2) the name, address, telephone number, e-mail address, and title of the individual person who will be directly responsible for the management of the project or projects to be funded by the application, such as a public works director or a consulting engineer, and a copy of the individual's resume attesting to the individual's qualifications and ability to manage the project;

(3) a narrative description of the prospective project, including a description of the problems to be addressed and the need to undertake the repairs. The applicant shall explain why the proposed project is appropriate, cost-effective, and is a long-term solution to the problem. The applicant shall also submit a list of tasks to be undertaken to address the problem. A map or google earth photo showing the project is also required. Photographs documenting the nature of the problems are advisable but not required.

(4) a project cost estimate showing the total cost of the project, prepared by a licensed professional engineer or qualified contractor. The cost estimated must be itemized by the list of task elements as required in subsection (3).

(5) a time schedule showing each step in the repair process starting with the preparation of the bid documents through completion of the work. Specific calendar dates are recommended.

(6) a statement that the information contained in the application is true, which must be signed by an authorized representative of the applicant; and

(7) a statement identifying a local cash match equal to no less than 25% of the total project cost, which may not include in-kind contributions of goods or in-kind services.

Section 7. Project management, cost overruns, and supplemental appropriations. (1) The grant applicant is fully responsible for managing the project and ensuring that it is completed on-time and within budget. If cost overruns occur, the cost of the overrun is the full and sole responsibility of the applicant. No supplemental appropriation may be authorized by the state.

(2) Except as provided in subsection (3), the grant applicant must have the project under contract by December 31, 2024.

(3) In cases in which an applicant has used all reasonable efforts to find a contractor for a project but has failed, the applicant may request one two-year extension from the department of commerce.

(4) Projects funded under [this act] must be completed by December 31, 2027.

Section 8. Misappropriation or diversion of funds. In the event the grantee misappropriates or diverts any portion of the state grant or local government match to another use, the applicant will repay the department of commerce the misappropriated or diverted funds within 12 months of the date of notice from the state and pay a fine equal to 20% of the amount misappropriated or diverted to the state's general fund.

Section 9. Grant limits. (1) Except for cities and towns receiving an allocation of less than $1 million, no single applicant can receive more than one-third of the city or town's total allocation from the state.

(2) Cities and towns whose allocation is less than $1 million are not subject to any restriction regarding how much an individual applicant may receive.

(3) Cities and towns in which the local government infrastructure has been significantly damaged by a natural disaster are not subject to any restriction regarding how much an individual applicant may receive.

Section 10. Project reports and completion notices. (1) The applicant shall provide a progress report to the department of commerce on a quarterly basis identifying the following:

(a) work that has been undertaken on the project;

(b) the work percentage of work completed;

(c) the amount of funds expended to date;

(d) remaining funds;

(e) description of any significant problems;

(f) whether the project encountered any modification necessary to the scope of work, budget, or schedule; and

(g) the projected completion date.

(2) At the completion of the project, the final report must include a statement attesting to the completion of the project, which must be signed by the project manager.

Section 11. City and town allocations. (1) The amount allocated to incorporated cities and towns is determined as follows:

(a) The amount of $15 million must be divided among the incorporated cities and towns with a population of less than 10,000 as of the most recent decennial federal census in the following manner:

(i) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all incorporated cities and towns in Montana with a population of less than 10,000; and

(ii) 50% in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana with a population of less than 10,000 as of the most recent decennial federal census.

(b) The amount of $5 million must be divided among the incorporated cities with a population of more than 10,000 as of the most recent decennial federal census in the following manner:

(i) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all incorporated cities in Montana with a population of more than 10,000; and

(ii) 50% in the ratio that the population within the corporate limits of the city bears to the total population within corporate limits of all the cities in Montana with a population of more than 10,000 as of the most recent decennial federal census.

(2) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined for cities and towns according to the latest official decennial federal census.

(3) For the purposes of this section in which determination of mileage is necessary for distribution of funds, the department of transportation shall utilize the yearly certified statement indicating the total mileage as provided in 15-70-101(7).

Section 12. Conditions of grants -- disbursement of funds. (1) The disbursement of grant funds by the department of commerce for the projects awarded pursuant to [this act] by the legislative bodies of cities and towns is subject to completion of the following conditions:

(a) the grant recipient has completed a budget and implementation schedule for the project;

(b) the grant recipient has a project management plan that is approved by the department of commerce;

(c) the grant recipient is in compliance with the auditing and reporting requirements provided in 2-7-503 and has established a financial accounting system that the department of commerce can reasonably ensure conforms to generally acceptable accounting principles; and

(d) the grant recipient has entered into a contract with the department of commerce, a provision of which must document that the local matching funds are available and committed to the project.

(2) Prior to the department of commerce disbursing fund for construction expenses, the grant recipient shall identify and certify that the recipient has obtained local, state, and federal permits and approvals.

(3) The department of commerce shall disburse grants on a reimbursement basis as grant recipients incur eligible project expenses in accordance with the terms of the contract. If actual project expenses are lower than the projected expense of the project, the department may, at its discretion, reduce the amount of grant funds to be provided to grant recipients in proportion to all of the project funding sources.

Section 13. Effective date. [This act] is effective on passage and approval.

Approved June 14, 2023

CHAPTER NO. 772

[HB 587]

AN ACT GENERALLY REVISING SCHOOL FINANCE LAWS; ESTABLISHING A SCHOOL EQUALIZATION AND PROPERTY TAX REDUCTION ACCOUNT IN THE STATE SPECIAL REVENUE FUND; PROVIDING THAT THE REVENUE FROM THE SCHOOL EQUALIZATION LEVIES IS DEPOSITED IN THE ACCOUNT AND THAT THE ACCOUNT IS THE SECOND SOURCE OF FUNDING FOR STATE EQUALIZATION AID FOLLOWING THE GUARANTEE ACCOUNT; PROVIDING ADJUSTMENTS TO SCHOOL FUNDING EQUALIZATION MECHANISMS BASED ON REVENUE DEPOSITED IN THE ACCOUNT; INCREASING THE COUNTY RETIREMENT GTB MULTIPLIER TO LOWER COUNTY PROPERTY TAXES; CLARIFYING AND PROVIDING A CAP ON BASE GTB ADJUSTMENTS FROM MARIJUANA REVENUE; REVISING DEFINITIONS; AMENDING SECTIONS 20-9-331, 20-9-333, 20-9-360, 20-9-366, 20-9-525, AND 20-9-622, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. School equalization and property tax reduction account -- uses. (1) There is a school equalization and property tax reduction account in the state special revenue fund. Contingent on appropriation by the legislature, money in the account is for distribution to school districts as the second source of funding for state equalization aid as provided in 20-9-343. At fiscal yearend, any fund balance in the account exceeding what was appropriated must be transferred to the guarantee account established in 20-9-622.

(2) The account receives revenue as described in 20-9-331, 20-9-333, and 20-9-360.

(3) Beginning in fiscal year 2025, each December the superintendent of public instruction shall forecast the amount of revenue the account will receive in that fiscal year by dividing the sum of the taxable value of all property in the state reported by the department of revenue pursuant to 20-9-369 by 1,000 to determine a statewide value mill and then multiplying that amount by 95 mills, or the number of mills calculated by the department of revenue under 15-10-420(8) for the applicable fiscal year. If the forecasted amount differs from the amount determined through the same calculation in the prior fiscal year by $2 million or more and is:

(a) less, then the superintendent shall:

(i) decrease the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of guaranteed tax base aid distributed to eligible school districts equal to 85% of the decrease in the calculated amount between the 2 years; and

(ii) decrease the multiplier used to calculate the statewide elementary and high school mill value per ANB for school retirement guaranteed tax base purposes under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of retirement guaranteed tax base aid distributed to eligible school districts equal to 15% of the decrease in the calculated amount between the 2 years;

(b) more, then the superintendent shall increase the multipliers used in the guaranteed tax base formulas under 20-9-366 and in the formula for school major maintenance aid under 20-9-525 to the nearest whole number by an amount calculated by the superintendent to result in an increase in the amount of guaranteed tax base aid and school major maintenance aid distributed to eligible counties and school districts equal to 55% of the increase in the calculated amount between the 2 years in the following order, with any amount exceeding the caps under subsections (3)(b)(i) through (3)(b)(iii) flowing to the next mechanism:

(i) first, the multiplier used in calculating the statewide mill value per elementary and high school ANB for retirement purposes, not to exceed 305%;

(ii) second, the multiplier used in calculating the amount of state school major maintenance aid support for each dollar of local effort, not to exceed 365%; and

(iii) third, the multiplier used in calculating the facility guaranteed mill value per ANB for school facility entitlement guaranteed tax base purposes, not to exceed 300%.

(4) (a) The adjustments to the multipliers under subsection (3) are applicable to state equalization aid distributions in the fiscal year following the adjustment.

(b) Adjustments to the multipliers made under subsection (3) remain in effect in subsequent years unless further changed under 20-9-366 or subsection (3) of this section or as otherwise provided by law.

Section 2. Section 20-9-331, MCA, is amended to read:

"**20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the ~~state general fund~~ *school equalization and property tax reduction account established in [section 1]* in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization,

the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703; and

(g) oil and natural gas production taxes."

Section 3. Section 20-9-333, MCA, is amended to read:

"**20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the ~~state general fund~~ *school equalization and property tax reduction account established in [section 1]* in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as

prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(c) gross proceeds taxes from coal under 15-23-703; and

(d) oil and natural gas production taxes."

Section 4. Section 20-9-360, MCA, is amended to read:

"**20-9-360. State equalization aid levy.** Subject to 15-10-420, there is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be deposited to the credit of the ~~state~~ *school* ~~general~~ *equalization* ~~fund~~ *and property tax reduction account established in [section 1]* for state equalization aid to the public schools of Montana."

Section 5. Section 20-9-366, MCA, is amended to read:

"**20-9-366. Definitions.** ~~As~~ *Subject to adjustments pursuant to [section 1], as* used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's prior year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means*, subject to adjustment under [section 1],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's BASE budget after the following payments are subtracted:

(a) direct state aid;

(b) the total data-for-achievement payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment;

(f) the total American Indian achievement gap payment; and

(g) the state special education allowable cost payment.

(5) (a) ~~Except as provided in subsection (6),~~ "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means*, subject to adjustment under [section 1],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~250% for fiscal year 2022 and~~ 254% ~~for fiscal year 2023 and each succeeding fiscal year~~ and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall increase the multiplier*, not to exceed 262%,* in this subsection (5)(a) as follows:

(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least $1 million more than the revenue transferred in the fiscal year 2 years prior, then:

(A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by $500,000, and round to the nearest whole number; and

(B) add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to~~:~~

~~(I) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the prior fiscal year; ~~or~~

~~(II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6);~~

(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than $1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to~~:~~

~~(A) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the prior fiscal year; ~~or~~

~~(B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and~~

(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031*; and*

(iv) for all multiplier increases under this subsection (5)(a), the calculations are made in the year prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax base aid.

(b) ~~"statewide~~ *"Statewide* mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means*, subject to adjustment under [section 1],* the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~121%~~ *189%* and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

~~(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 4 percentage points following certification by the budget director of a contingency pursuant to Chapter 506, Laws of 2021.~~

~~(a) for fiscal year 2023 if the certification is made during calendar year 2021;~~

~~(b) for fiscal year 2024 if the certification is made during calendar year 2022;~~

~~(c) for fiscal year 2025 if the certification is made during calendar year 2023; and~~

~~(d) for fiscal year 2026 if the certification is made during calendar year 2024.~~"

Section 6. Section 20-9-525, MCA, is amended to read:

"**20-9-525. School major maintenance aid account -- formula.** (1) There is a school major maintenance aid account in the state special revenue fund provided for in 17-2-102.

(2) The purpose of the account is to provide, contingent on appropriation from the legislature, funding for school major maintenance aid as provided in subsection (3) for school facility projects, including the payment of principal and interest on obligations issued pursuant to 20-9-471 for school facility projects, that support a basic system of free quality public elementary and secondary schools under 20-9-309, including but not limited to:

(a) improvements to school and student safety and security as described in 20-9-236(1); and

(b) projects designed to produce operational efficiencies such as utility savings, reduced future maintenance costs, improved utilization of staff, and enhanced learning environments for students, including but not limited to projects addressing:

(i) roofing systems;

(ii) heating, air-conditioning, and ventilation systems;

(iii) energy-efficient window and door systems and insulation;

(iv) plumbing systems;

(v) electrical systems and lighting systems;

(vi) information technology infrastructure, including internet connectivity both within and to the school facility; and

(vii) other critical repairs to an existing school facility or facilities.

(3) (a) In any year in which the legislature has appropriated funds for distribution from the school major maintenance aid account, the superintendent of public instruction shall administer the distribution of school major maintenance aid from the school major maintenance aid account for deposit in the subfund of the building reserve fund provided for in 20-9-502(3)(e). Subject to proration under subsection (5) of this section, aid must be annually distributed no later than the last working day of May to a school district imposing a levy pursuant to 20-9-502(3) in the current school fiscal year, with the amount of state support per dollar of local effort of the applicable elementary and high school program of each district determined as follows:

(i) using the taxable valuation most recently determined by the department of revenue under 20-9-369:

(A) divide the total statewide taxable valuation by the statewide total of school major maintenance amounts and*, subject to adjustment under [section 1],* multiply the result by 187%;

(B) multiply the result determined under subsection (3)(a)(i)(A) by the district's school major maintenance amount;

(C) subtract the district's taxable valuation from the amount determined under subsection (3)(a)(i)(B); and

(D) divide the amount determined under subsection (3)(a)(i)(C) by 1,000;

(ii) determine the greater of the amount determined in subsection (3)(a)(i) or 18% of the district's mill value;

(iii) multiply the result determined under subsection (3)(a)(ii) by the district's school major maintenance amount, then divide the product by the sum of the result determined under subsection (3)(a)(ii) and the district's mill value; and

(iv) divide the result determined under subsection (3)(a)(iii) by the difference resulting from subtracting the result determined under subsection (3)(a)(iii) from the district's school major maintenance amount.

(b) For a district with an adopted general fund budget in the prior year greater than or equal to 97% of the district's general fund maximum budget in the prior year, the amount determined in subsection (3)(a)(iv) rounded to the nearest cent is the amount of school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(c) For a district with an adopted general fund budget in the prior year less than 97% of the district's maximum budget in the prior year, multiply the amount determined in subsection (3)(a)(iv) by the ratio of the district's adopted general fund budget in the prior year to the district's maximum general fund budget in the prior year. The result, rounded to the nearest cent, is the amount of state school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(4) Using the taxable valuation most recently determined by the department of revenue under 20-9-369, the superintendent shall provide school districts with a preliminary estimated amount of state school major maintenance aid per dollar of local effort for the ensuing school year no later than March 1 and a final amount for the current school year no later than July 31.

(5) If the appropriation from or the available funds in the school major maintenance aid account in any school fiscal year are less than the amount for which school districts would otherwise qualify, the superintendent of public instruction shall proportionally prorate the aid distributed to ensure that the distributions do not exceed the appropriated or available funds.

(6) If in any fiscal year the amount of revenue in the school major maintenance aid account is sufficient to fund school major maintenance aid without a proration reduction pursuant to subsection (5) and if in that same fiscal year the amount of revenue available in the school facility and technology account established in 20-9-516 will result in a proration reduction in debt service assistance pursuant to 20-9-346(2)(b) for that fiscal year, the state treasurer shall transfer any excess funds in the school major maintenance aid account to the school facility and technology account, not to exceed the amount required to avoid a proration reduction.

(7) For the purposes of this section, the following definitions apply:

(a) "Local effort" means an amount of money raised by levying no more than 10 mills pursuant to 20-9-502(3) and, provided that 10 mills have been levied, any additional amount of money deposited or transferred by trustees to the subfund pursuant to 20-9-502(3).

(b) "School major maintenance amount" means the sum of $15,000 and the product of $110 multiplied by the district's budgeted ANB for the prior fiscal year."

Section 7. Section 20-9-622, MCA, is amended to read:

"**20-9-622. Guarantee account.** (1) There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the

guarantee account. The guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts ~~through school~~ *as the first source of funding for state* equalization aid as provided in 20-9-343.

(2) Any excess interest and income revenue deposited in the guarantee account for distribution under this section must be transferred to the school major maintenance aid account provided for in 20-9-525."

Section 8. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1].

Section 9. Effective date. [This act] is effective July 1, 2023.

Approved June 14, 2023

CHAPTER NO. 773

[HB 648]

AN ACT PROVIDING FOR THE BEST BEGINNINGS CHILD CARE SCHOLARSHIP PROGRAM; SETTING THE INCOME ELIGIBILITY LEVEL AT 185% OF THE FEDERAL POVERTY LEVEL; REQUIRING A MONTHLY COPAYMENT FROM AN ELIGIBLE FAMILY; PROVIDING AN APPROPRIATION; AMENDING SECTION 52-2-713, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Best beginnings child care scholarship program. There is a best beginnings child care scholarship program administered by the department. The program is established to provide scholarships to qualified low-income families whose child received care provided by a licensed or registered child care provider or day-care facility.

Section 2. Family income eligibility requirements. In determining income eligibility for the best beginnings child care scholarship program, the department shall:

(1) set a qualifying income threshold at no less than 185% of the federal poverty level for each family size; and

(2) set a maximum qualifying income level that is no higher than that allowed by the federal child care and development block grant.

Section 3. Copayment requirements. Each eligible family shall participate in the cost of child care by making a copayment based on a sliding fee scale not to exceed 9% of an eligible family's monthly income.

Section 4. Section 52-2-713, MCA, is amended to read:

"**52-2-713. Payments for eligible children.** The department shall pay a rate ~~established by the department and appropriated by the legislature~~ *established by the department and appropriated by the legislature based on a child's authorized enrollment slot* to a day-care facility licensed or registered by the department for each child receiving day-care service and certified eligible by the department to receive day-care services."

Section 5. Appropriation. There is appropriated $7 million from the general fund to the department of public health and human services in each year of the biennium beginning July 1, 2023, for the purposes of [sections 1 through 4]. This appropriation is restricted for use for the purposes of carrying out [sections 1 through 4]. The department shall maximize all existing general, state special, and federal funds appropriated for the purposes of carrying out the best beginnings scholarship program prior to accessing this appropriation.

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [sections 1 through 3].

Section 7. Effective date. [This act] is effective July 1, 2023.

Approved June 14, 2023

CHAPTER NO. 774

[HB 819]

AN ACT PROVIDING FOR THE MONTANA COMMUNITY REINVESTMENT PLAN; PROVIDING FOR ATTAINABLE WORKFORCE HOUSING; PROVIDING FOR DISTRIBUTION OF FUNDS TO COMMUNITY REINVESTMENT ORGANIZATIONS; PROVIDING FOR COMMUNITY REINVESTMENT ORGANIZATION REQUIREMENTS; PROVIDING FOR STATE WORKFORCE HOUSING INCENTIVE REVOLVING ACCOUNTS; CREATING THE MONTANA HOUSING INFRASTRUCTURE REVOLVING ACCOUNT IN THE STATE SPECIAL REVENUE FUND TYPE; PROVIDING FOR DUTIES FOR THE BOARD OF INVESTMENTS AND THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT; PROVIDING ELIGIBILITY REQUIREMENTS FOR THE USE OF FUNDS; PROVIDING FOR DEED RESTRICTIONS; PROVIDING FOR PLANNING GRANTS FROM THE DEPARTMENT OF COMMERCE; AUTHORIZING ADDITIONAL FUNDING FOR LOW-INCOME AND MODERATE-INCOME HOUSING LOANS FROM THE PERMANENT COAL TAX TRUST FUND; AMENDING TERMS OF LOANS; PROVIDING ADDITIONAL FUNDING FOR STATE WORKFORCE HOUSING; PROVIDING DEFINITIONS; PROVIDING FOR TRANSFERS OF FUNDS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 17-6-308 AND 90-6-137, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the availability of attainable workforce housing is critical to the well-being of individuals, communities, businesses, and organizations of all sizes, and the economy at large; and

WHEREAS, access to attainable workforce housing provides greater opportunities to realize the American dream, allows for more robust job creation, promotes a stronger economy, and is essential to ensuring our residents and future generations are able to live, work, and raise their families in the state; and

WHEREAS, driven by a shortage of housing supply, the state faces a crisis of attainable workforce housing that poses substantial challenges to hardworking Montanans, employers, communities, and the state's economic health; and

WHEREAS, between 2010 and 2020, the state's population growth of 9.6% outpaced the state's housing unit growth of 6.6%, and a substantial factor contributing to tight housing supply has been underbuilding of entry-level homes, which are in high demand but low supply; and

WHEREAS, it is in the public interest of our state, our communities, and our people to find solutions to the tight supply of attainable workforce housing; and

WHEREAS, the health and stability of the state is directly dependent on the health and stability of local economic regions that are struggling due to an inadequate workforce, which is creating concerns for negative, long-term consequences; and

WHEREAS, a diverse, capable workforce is essential to retain the economic vitality and prosperity of the state within the global marketplace; and

WHEREAS, the Montana Community Reinvestment Plan Act may generate 500 attainable workforce housing dwellings allowing qualified individuals to achieve homeownership.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 8] may be cited as the "Montana Community Reinvestment Plan Act".

Section 2. Purpose. The legislature finds and declares the purpose of the Montana Community Reinvestment Plan Act is to begin to address housing needs and offer a regional, community-based solution to creating affordable, attainable workforce housing infrastructure in the state.

Section 3. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Attainable workforce housing" means housing of a cost that an eligible household would spend no more than 30% of gross monthly income for a mortgage payment, property taxes, and insurance.

(2) "Community reinvestment organization" means the regional entity or entities established in [section 6] or a certified regional development corporation, a certified development corporation, a community housing development organization, an economic development association, or a community development financial institution.

(3) "Community reinvestment organization revolving account" or "CRO revolving account" means a restricted account established by each community reinvestment organization.

(4) "Eligible household" means a household earning between 60% and 140% of median household income for the county in which the person resides or the state, whichever is less.

(5) "Montana community reinvestment plan account" means the account in the state special revenue fund and any subaccounts established pursuant to [section 5].

(6) "Program" means the Montana community reinvestment plan.

Section 4. Montana community reinvestment plan. There is a Montana community reinvestment plan that enables regional community reinvestment organizations to reduce the cost of housing to an affordable range for Montana's workforce. The program creates a deed-restricted housing inventory that becomes attainable workforce housing infrastructure for employers, employees, and entire communities by distributing money to community reinvestment organizations that invest the funds by buying down the costs of mortgages for eligible households.

Section 5. Montana community reinvestment plan account. (1) There is an account in the state special revenue fund established by 17-2-102 known as the Montana community reinvestment plan account. The purpose of the account is to fund the establishment of affordable, attainable workforce housing infrastructure in the state.

(2) Money in the account must be distributed by the governor's office of economic development to community reinvestment organizations based on the percentage of the combined county gross domestic product within the regional boundaries of the organization to that of the state gross domestic product.

Section 6. Community reinvestment organizations. (1) A community reinvestment organization meeting the requirements of [section 7] may be established no later than December 31, 2024.

(2) There may be a maximum of 16 community reinvestment organizations in the state.

(3) The geographic boundaries of each community reinvestment organization must be similar to the boundaries determined by the department of commerce for certified regional development corporations provided for in 90-1-116. Regions not included in the described boundaries may establish community reinvestment organizations up to the maximum number allowed in subsection (2). The certified regional development corporation may choose to create and manage a region's community reinvestment organization but is not required to serve as that region's community reinvestment organization.

(4) Counties that are not within the boundaries of an existing certified regional development corporation region may participate in a neighboring community reinvestment organization or create a community reinvestment organization that includes one or more counties not within an existing certified regional development corporation subject to the limit provided in subsection (2).

(5) Each county wishing to participate in the program shall make an affirmative decision to participate by joining a community reinvestment organization. Counties that do not join a community reinvestment organization are ineligible to participate in the program. A county may only participate in one community reinvestment organization.

(6) A participating county is encouraged to enact local ordinances that provide for an expedited development and construction review process with priority for attainable workforce housing.

(7) To be certified by the chief business development officer provided for in 2-15-219, a community reinvestment organization shall provide the information required by the chief business development officer and [section 7] by January 15, 2025.

Section 7. Community reinvestment organization requirements. (1) A community reinvestment organization shall meet the requirements of this section.

(2) A community reinvestment organization must be established as a federally recognized charitable organization under 26 U.S.C. 501(c)(3), (c)(4), or (c)(6).

(3) (a) Each community reinvestment organization shall create a CRO revolving account for the deposit and distribution of funds to participating counties within the community reinvestment organization's region.

(b) Community reinvestment organizations shall deposit into the CRO revolving account an equal amount of funds as those deposited from the Montana community reinvestment plan account prior to any plan dollars being used to buy down attainable workforce housing. Community reinvestment organization matching fund options include but are not limited to the use of the employer pool, local government investments, and the utilization of volume cap bonds.

(4) (a) Money in a CRO revolving account must be used as follows:

(i) 95% or more must be distributed to participating counties to be used to assist eligible households in purchasing attainable workforce housing as provided in this section; and

(ii) 5% or less must be dedicated to startup and administrative costs of the community reinvestment organization and may be used to create a foreclosure mitigation set-aside fund.

(b) Money in a CRO revolving account may not be used for preconstruction, development, or construction-related purposes.

(c) If a county elects not to participate in the program under [sections 1 through 8], the money allocated to that county must be distributed proportionally to the remaining counties participating in the program within the same region as the nonparticipating county.

(6) An incorporated city, consolidated city-county, or county may contribute funds to its regional CRO revolving account as an optional local government investment.

(7) Money used from the CRO revolving account to assist an eligible household may not exceed 30% of the total purchase price.

(8) Housing purchased using money from the CRO revolving account must have a deed limitation restricting the equitable value to the eligible household. The rate of appreciation on the deed-restricted home may not be greater than 1% a year.

(9) A community reinvestment organization must coordinate local employer participation in a statewide employer pool.

(10) A community reinvestment organization is encouraged to develop policies to support homeowners buying out the deed restriction so the revolving account can be utilized to buy down the cost of additional homes for other eligible households.

Section 8. State workforce housing incentive to community reinvestment organizations. (1) A community reinvestment organization established in [section 6] that contains communities in the county that have a population of 15,000 or less and are located within a 30-mile radius of a state-owned facility that houses at least 100 state inmates or behavioral health patients is eligible to apply for funds from the appropriation provided for in [section 20].

(2) (a) The governor's office of economic development shall allocate funds to applying and qualifying counties within community reinvestment organizations proportionally to the average number of state inmates or behavioral health patients in that state-owned facility in the fiscal year beginning July 1, 2021, and the number of employees in that county that work in the state-owned facilities that serve those inmates or patients.

(b) The department of commerce and the board of investments shall assist the governor's office of economic development in the distribution of funds pursuant to this section.

(3) Each community reinvestment organization that receives state workforce housing incentive funds shall create a state workforce housing CRO revolving account for the deposit and distribution of funds to qualifying and participating counties within the community reinvestment organization's region.

(4) (a) Money in a state workforce housing CRO revolving account must be used as follows:

(i) 95% or more must be distributed to qualifying and participating counties to be used to assist eligible households in purchasing attainable workforce housing as provided in this section; and

(ii) 5% or less must be dedicated to startup and administrative costs of the community reinvestment organization and may be used to create a foreclosure mitigation set-aside fund to be held locally.

(b) Money in a state workforce housing CRO revolving account may not be used for preconstruction, development, or construction-related purposes.

(c) If a county elects not to participate in the program under [sections 1 through 9], the money allocated to that county must be distributed proportionally to the remaining counties qualifying and participating in the program within the same region as the nonparticipating county.

(5) An incorporated city, consolidated city-county, or county may contribute funds to its state workforce housing CRO revolving account as an optional local government investment or may receive matching funds from the workforce housing appropriation in [section 15].

(6) Money used from the state workforce housing CRO revolving account to assist an eligible household may not exceed 30% of the total purchase price.

(7) (a) Housing purchased using money from the state workforce housing CRO revolving account must have a deed limitation restricting the equitable value to the eligible household. The rate of appreciation on the deed-restricted home may not be greater than 1% a year.

(b) Housing purchased using money from the state workforce housing CRO revolving account must have a deed limitation restriction to ensure that a resident of the housing is employed at a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants.

(8) A community reinvestment organization is encouraged to develop policies to support homeowners buying out the deed restriction so the revolving account can be utilized to buy down the cost of additional homes for other eligible households.

Section 9. Use of state trust lands for attainable housing. Where state trust lands are in close proximity to cities, towns, or communities:

(1) the department of natural resources and conservation shall undertake an evaluation of whether the lands could be made available for use as land for potential development of attainable workforce housing as a part of the Montana community reinvestment plan; and

(2) each community reinvestment organization shall consider the use of state lands to support critical public employee services, including attainable workforce housing as part of the Montana community reinvestment plan.

Section 10. Montana housing infrastructure revolving loan fund account. (1) There is a Montana housing infrastructure revolving loan fund account within the state special revenue fund type established in 17-2-102 to the credit of the board of investments. Money deposited in the account established in this section must be invested by the board of investments as provided by law.

(2) The principal of the account may only be appropriated by a vote of two-thirds of the members of each house of the legislature.

Section 11. Purpose. The purpose of the loans made and the bonds or other securities issued and purchased pursuant to [sections 10 through 14] are:

(1) to increase home ownership and provide more long-term rental opportunity;

(2) to increase housing supply and offer diverse housing types to meet the needs of population growth; and

(3) to create partnerships between the state, local governments, private sector developers, and applicants for residential development to finance necessary infrastructure for housing.

Section 12. Terms. The total amount of loans made to an entity for an infrastructure project pursuant to [section 14(1)] may not exceed:

(1) $1 million; or

(2) 50% of the projected project cost.

Section 13. Eligibility -- priority. (1) For the costs of an infrastructure project to be eligible to be paid by the proceeds of a loan or bonds or other securities of an eligible government unit as defined in 17-5-1604, the

infrastructure project must provide for residential development at a minimum gross density of 10 units for each acre.

(2) Lending of at least $7 million of available funds must be prioritized to counties that have a population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants.

Section 14. Financing -- deed restrictions. (1) The board of investments may make loans from the account established in [section 10] to an eligible government unit as defined in 17-5-1604 or an applicant for residential development to cover the costs of demolition or expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development.

(2) The board of investments may purchase up to 50% of a bond or other security issued in accordance with state law by an eligible government unit as defined in 17-5-1604 to cover all or a portion of costs of expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development at an interest rate to be determined by the board of investments as an investment of the account established in [section 10].

(3) The board of investments shall:

(a) establish the terms and conditions of the loan, including the interest rate of the loan, with a term not to exceed 20 years;

(b) if an eligible government unit is the entity seeking a loan or issuing a bond or other security, require that the eligible government unit waive all impact fees for the developer or the amount of impact fees up to the amount of the loan or bond or other security, whichever amount is smaller;

(c) if an applicant for residential development is the entity seeking a loan, require that the applicant pay all impact fees due to the local government or the amount of impact fees up to the amount of the loan, whichever amount is smaller; and

(d) set policy requiring that housing built using infrastructure funded in part by a security pursuant to this section must provide for provisions to preserve long-term affordability of the housing that runs with the property for the term of the security.

(4) The board of investments shall include the amounts loaned and the status of all loans in the report required in 17-5-1650.

Section 15. Workforce housing appropriations -- eligible uses of funds. (1) There is appropriated $12 million from the general fund to the board of investments for the biennium beginning July 1, 2023. The purpose of the funds is to advance the construction or purchase of workforce housing of employees who work at state-owned facilities that house state inmates or behavioral health patients.

(2) Funds must be distributed to assist those who work and are living in counties that have a population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants. The distribution must be made pro rata based on the annual average state-owned facility population for the fiscal year beginning July 1, 2021, and the number of workers residing in each eligible county.

(3) Eligible uses of the funds include:

(a) buying down construction costs on employee housing;

(b) providing matching funds required pursuant to the state workforce housing community reinvestment organization revolving loan fund;

(c) providing loans for up to 50% of the projected project cost of an eligible infrastructure project pursuant to [section 13];

(d) providing funds to discount housing costs to employees who work in state-owned facilities that house, on an annual average, at least 100 state inmates or behavioral health patients, and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants; or

(e) acquiring through construction or purchase housing for employees of those state-owned facilities with the intention of the housing to be privately owned within 10 years of purchase or construction unless private ownership is considered a security risk by the department of public health and human services or the department of corrections.

Section 16. Section 17-6-308, MCA, is amended to read:

"**17-6-308. Authorized investments.** (1) Except as provided in subsections (2) through (8) of this section and subject to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested as authorized by rules adopted by the board.

(2) The board may make loans from the permanent coal tax trust fund to the capital reserve account created pursuant to 17-5-1515 to establish balances or restore deficiencies in the account. The board may agree in connection with the issuance of bonds or notes secured by the account or fund to make the loans. Loans must be on terms and conditions determined by the board and must be repaid from revenue realized from the exercise of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529, subject to the prior pledge of the revenue to the bonds and notes.

(3) The board shall manage the seed capital and research and development loan portfolios created by the former Montana board of science and technology development. The board shall establish an appropriate repayment schedule for all outstanding research and development loans made to the university system. The board is the successor in interest to all agreements, contracts, loans, notes, or other instruments entered into by the Montana board of science and technology development as part of the seed capital and research and development loan portfolios, except agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. The board shall administer the agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. As loans made by the former Montana board of science and technology development are repaid, the board shall deposit the proceeds or loans made from the coal severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with 7% interest.

(4) The board shall allow the Montana facility finance authority to administer $15 million of the permanent coal tax trust fund for capital projects. Until the authority makes a loan pursuant to the provisions of Title 90, chapter 7, the funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans for capital projects made pursuant to this subsection are repaid, the principal and interest payments on the loans must be deposited in the coal severance tax permanent fund until all principal and interest have been repaid. The board and the authority shall calculate the amount of the interest charge. Individual loan amounts may not exceed 10% of the amount administered under this subsection.

(5) The board shall allow the board of housing to administer $50 million of the permanent coal tax trust fund for the purposes of the Montana veterans' home loan mortgage program provided for in Title 90, chapter 6, part 6.

(6) The board shall allow the board of housing to administer ~~$15~~ *$65* million of the permanent coal tax trust fund for the purpose of providing loans for the development and preservation of homes and apartments to assist low-income and moderate-income persons with meeting their basic housing needs pursuant to 90-6-137.

(7) (a) Subject to subsections (7)(b) and (7)(c), the board may make working capital loans from the permanent coal tax trust fund to an owner of a coal-fired generating unit.

(b) Loans may be provided in accordance with subsection (7)(a) to an owner to finance:

(i) the everyday operations and required maintenance of a coal-fired generating unit of which an owner has a shared interest;

(ii) the purchase of an additional interest in a coal-fired generating unit of which an owner has a shared interest;

(iii) the purchase of coal to use at a coal-fired generating unit or improvements necessary to utilize coal from a different source at a coal-fired generating unit. When considering loan requests made under this subsection (7)(b)(iii), the board shall give preference to requests that allow for utilization of coal resources located in Montana or allow for improvements to utilize coal resources located in Montana that are determined to be economically feasible.

(iv) the purchase of electric transmission lines and associated facilities of a design capacity of 500 kilovolts or more primarily used to transmit electricity generated by a coal-fired resource;

(v) costs related to decommissioning and remediation of a coal-fired generating unit or affected property to meet applicable legal obligations as defined in 75-8-103; or

(vi) any combination of subsections (7)(b)(i) through (7)(b)(v).

(c) The board may charge a working capital loan application fee of up to $500.

(8) The board may make loans from the permanent coal tax trust fund to a city, town, county, or consolidated city-county government impacted by the closure of a coal-fired generating unit to secure and maintain existing infrastructure.

(9) The board shall adopt rules to allow a nonprofit corporation to apply for economic assistance. The rules must recognize that different criteria may be needed for nonprofit corporations than for for-profit corporations.

(10) All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance tax trust fund must be deposited in the coal severance tax permanent fund."

Section 17. Section. 90-6-137, MCA, is amended to read:

"**90-6-137. Alternate funding source for housing loans -- use of coal tax trust fund money.** (1) The board of investments shall allow the board of housing to administer ~~$15~~ *$65* million of the coal tax trust fund for the purpose of providing loans for the development and preservation of homes and apartments to assist eligible low-income and moderate-income applicants. Until the board uses money in the coal tax trust fund to loan to a qualified applicant pursuant to this part, the money under the administration of the board must remain invested by the board of investments.

(2) While a loan made from the coal tax trust fund pursuant to this section is repaid, the principal payments on the loan must be deposited in the coal tax trust fund until all of the principal of the loan is repaid. Interest received on a loan may be used by the board, in amounts determined by the board in accordance with 90-6-136, to pay for the servicing of a loan and for reasonable costs of the board for administering the program. After payment of associated

expenses, interest received on the loan must be deposited into the coal tax trust fund.

(3) (a) Money from the coal tax trust fund must be used for the purposes identified in 90-6-134(3) and (4).

(b) Loans made pursuant to this section must meet the following requirements:

(i) Projects funded with the loans must be multifamily rental housing projects that provide low-income and moderate-income housing.

(ii) The loan must be in the first lien position and may not exceed 95% of total development costs.

(iii) The minimum interest rate charged on a loan pursuant to this section is *no less than 0.5% below the current coal trust fund investment performance, and all loans combined must at least average the current coal trust investment performance* ~~0.5% less than the interest rate charged for a loan funded by the housing Montana fund provided for in 90-6-133~~.

(iv) The board and the loan recipient shall each pay half of loan servicing fees.

(v) Projects funded with the loans must be subject to property taxes*, except those located on tribal lands*.

(4) Money from the coal tax trust fund may not be used to replace existing or available sources of funding for eligible activities.

(5) Funds administered by the board from the coal tax trust fund may not be used to pay the expenses of any other program or service administered by the board.

(6) A multifamily rental housing project eligible to receive a loan under this section may include the development or preservation of a mobile home park as defined in 70-33-103."

Section 18. Transfer of funds. (1) By August 15, 2023, the state treasurer shall transfer $50 million from the general fund to the Montana community reinvestment plan account provided for in [section 5].

(2) By August 15, 2023, the state treasurer shall transfer $106 million from the general fund to the account established in [section 10].

Section 19. Appropriation. (1) There is appropriated one-time-only $50 million from the Montana community investment plan account provided for in [section 5] to the department of commerce for the biennium beginning July 1, 2023.

(2) The appropriation must be used as provided in [section 5].

Section 20. Appropriations. There is appropriated $6 million from the general fund to the governor's office of economic development for the biennium beginning July 1, 2023, for the purposes in [section 8].

Section 21. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 22. Appropriation -- eligible uses. There is appropriated $1 million from the general fund to the department of commerce for the biennium beginning July 1, 2023.

(2) Appropriated funds may only be used to:

(a) provide planning grants to local governments and tribal governments for planning and zoning reforms to increase housing supply; and

(b) cover administration costs of the grant program.

Section 23. Codification instruction. [Sections 1 through 9] are intended to be codified as an integral part of Title 90, and the provisions of Title 90 apply to [sections 1 through 9].

(2) [Sections 10 through 14] are intended to be codified as an integral part of Title 17, chapter 6, and the provisions of Title 17, chapter 6, apply to [sections 10 through 14].

Section 24. Coordination instruction. If both House Bill No. 199 and [this act] are passed and approved, then the references in [this act] to "chief business development officer" in [section 6(7)] must be changed to "chief economic development officer".

Section 25. Effective date. [This act] is effective on passage and approval.

Approved June 13, 2023

CHAPTER NO. 775

[HB 693]

AN ACT CLARIFYING REQUIREMENTS FOR PUBLIC AGENCIES REGARDING PUBLIC INFORMATION THAT IS OR MAY BE PART OF LITIGATION; PROHIBITING AN AGENCY FROM REFUSING TO DISCLOSE PUBLIC INFORMATION SOLELY BECAUSE THE INFORMATION IS OR MAY BE PART OF LITIGATION; AND AMENDING SECTION 2-6-1003, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-6-1003, MCA, is amended to read:

"**2-6-1003. Access to public information -- safety and security exceptions -- Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

(4) A public agency may not refuse to disclose public information because the requested public information is part of litigation or may be part of litigation unless the information is protected from disclosure under another applicable law."

Approved June 6, 2023

CHAPTER NO. 776

[SB 4]

AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE REPORTS OF ALLEGED ABUSE AND NEGLECT AT THE MONTANA STATE HOSPITAL TO THE STATE PROTECTION AND ADVOCACY PROGRAM; AMENDING SECTIONS 53-21-107, 53-21-166, AND 53-21-169, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-21-107, MCA, is amended to read:

"**53-21-107. Abuse and neglect of persons admitted to mental health facility prohibited -- reporting -- investigations.** (1) Any form of abuse or neglect of a person admitted to a mental health facility is prohibited.

(2) Each mental health facility shall publish policies and procedures that define the facility's guidelines for detecting, reporting, investigating, determining the validity, and resolving allegations of abuse or neglect.

(3) Each allegation of abuse or neglect must be reported as follows:

(a) Any employee of the mental health facility with knowledge of the allegation shall immediately report the allegation to the professional person in charge of the facility.

(b) The professional person in charge of the mental health facility shall report the allegation by the end of the next business day, in writing, to the board.

(c) When the allegation of abuse or neglect may constitute a criminal act, the professional person in charge of the mental health facility shall immediately report the allegation to the appropriate law enforcement authority.

(4) Each mental health facility shall provide a mechanism for reporting allegations of abuse or neglect that in no way deters or discourages an individual from reporting the allegations.

(5) Investigations of allegations of abuse or neglect must be initiated by the professional person in charge of the facility as soon as possible after the initial report of the incident, but not later than by the end of the next business day. Initiation of each investigation may not be delayed in any way that adversely affects the efficacy of the investigation. However, the investigation must be initiated immediately when there is a report of an alleged criminal act.

(6) The investigation of each allegation of abuse or neglect must be concluded within the minimum period of time necessary to gather the information relative to each allegation and to come to a conclusion following the initial report of the allegation.

(7) Each mental health facility shall document the following in writing regarding each allegation of abuse or neglect:

(a) details of each allegation of abuse or neglect, including the names of any facility staff against whom the allegation is made;

(b) a description of the rationale for conducting the investigation with either in-house or outside personnel;

(c) details of the process of the investigation of each allegation of abuse or neglect;

(d) details of the conclusions of the investigation; and

(e) details of corrective action taken.

(8) Mental health facilities shall provide a copy of the written report described in subsections (7)(a) through (7)(e) within 5 working days of the completion of each investigation to the director of the department and to the board.

(9) (a) For each allegation of abuse or neglect involving the Montana state hospital, the director of the department shall report the following information to the state protection and advocacy program for individuals with mental illness authorized under 42 U.S.C. 10805(b)(2) to investigate reports of abuse and neglect:

(i) within 5 working days of the incident, the details of the reported allegation; and

(ii) within 5 working days of the completion of the investigation into the report, the written record created pursuant to subsection (7).

(b) The director may not redact any information provided pursuant to this subsection (9)."

Section 2. Section 53-21-166, MCA, is amended to read:

"**53-21-166. Records to be confidential -- exceptions.** All information obtained and records prepared in the course of providing any services under this part to individuals under any provision of this part are confidential and privileged matter and must remain confidential and privileged after the individual is discharged from the facility. Except as provided in Title 50, chapter 16, part 5, information and records may be disclosed only:

(1) in communications between qualified professionals in the provision of services or appropriate referrals;

(2) when the recipient of services designates persons to whom information or records may be released or if a recipient of services is a ward and the recipient's guardian or conservator designates in writing persons to whom records or information may be disclosed. However, this section may not be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information that has been given to the physician, psychologist, social worker, nurse, attorney, or other professional person in confidence by members of a patient's family.

(3) to the extent necessary to make claims on behalf of a recipient of aid, insurance, or medical assistance to which a recipient may be entitled;

(4) for research if the department has promulgated rules for the conduct of research. Rules must include but are not limited to the requirement that all researchers shall sign an oath of confidentiality.

(5) to the courts as necessary for the administration of justice;

(6) to persons authorized by an order of court, after notice and opportunity for hearing to the person to whom the record or information pertains and the custodian of the record or information pursuant to the rules of civil procedure;

(7) to members of the mental disabilities board of visitors or their agents when necessary to perform their functions as set out in 53-21-104; ~~and~~

(8) to the state protection and advocacy program for individuals with mental illness when necessary to comply with 53-21-107(9); and

~~(8)~~*(9)* to the mental health ombudsman when necessary to perform the ombudsman functions as provided in 2-15-210."

Section 3. Section 53-21-169, MCA, is amended to read:

"**53-21-169. Protection and advocacy system -- designation and authority.** (1) A protection and advocacy system for individuals with a significant mental illness or emotional impairment is designated by the governor and may be administered in the state under the provisions of 42 U.S.C. 10801 through 10851. An eligible mental health protection and advocacy system under the provisions of 42 U.S.C. 10801 through 10851 must have as its primary goals:

(a) the protection and advocacy of the rights of mentally ill individuals who are defined in 42 U.S.C. 10802 as individuals with a significant mental illness or emotional impairment; and

(b) the investigation of incidents of abuse and neglect, as defined in 42 U.S.C. 10802, of mentally ill individuals.

(2) Pursuant to 42 U.S.C. 10801 and 10802, the protection and advocacy system may:

(a) investigate incidents of abuse and neglect of mentally ill individuals;

(b) pursue administrative, legal, and other appropriate remedies to ensure the protection of mentally ill individuals who are residents of the state and are receiving care or treatment in the state;

(c) have access to all mentally ill individuals and all facilities, wards, and living quarters as necessary to fulfill the goals described in subsection (1); and

(d) pursuant to 42 U.S.C. 10801 through 10851 and Title 50, chapter 16, part 5, have access to records, including:

(i) reports prepared by the staff of a mental health care and treatment facility;

(ii) reports prepared by an agency investigating reports of abuse, neglect, and injury occurring at a facility and that describe the incidents and the steps taken to investigate the reports; ~~and~~

(iii) reports provided by the director of the department pursuant to 53-21-107(9); and

~~(iii)~~*(iv)* discharge planning records.

(3) All information obtained under this section must be kept confidential pursuant to 42 U.S.C. 10806.

(4) The protection and advocacy system described in this section is independent of any public or private agency that provides treatment or services to the mentally ill."

Section 4. Effective date. [This act] is effective on passage and approval.

Approved June 9, 2023

CHAPTER NO. 777

[HB 29]

AN ACT GENERALLY REVISING LAWS REGARDING THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE, OTHER FORMS OF DEMENTIA, OR TRAUMATIC BRAIN INJURY; ENDING INVOLUNTARY COMMITMENT OF THE INDIVIDUALS AFTER JUNE 30, 2025, WHEN ONLY CERTAIN COMMITMENT CRITERIA ARE MET; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO TRANSITION MONTANA STATE HOSPITAL PATIENTS WITH THOSE DIAGNOSES TO COMMUNITY SERVICES; ESTABLISHING A TEMPORARY TRANSITION REVIEW COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-21-126, 53-21-127, 53-21-401, AND 53-21-402, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-21-126, MCA, is amended to read:

"**53-21-126. Trial or hearing on petition.** (1) The respondent must be present unless the respondent's presence has been waived as provided in 53-21-119(2), and the respondent must be represented by counsel at all stages of the trial. The trial must be limited to the determination of whether or not the respondent is suffering from a mental disorder and requires commitment. At the trial, the court shall consider all the facts relevant to the issues of whether the respondent is suffering from a mental disorder. If the court determines that the respondent is suffering from a mental disorder, the court shall then determine whether the respondent requires commitment. In determining whether the respondent requires commitment and the appropriate disposition under 53-21-127, the court shall consider the following:

(a) whether the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) whether the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) whether, because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; and

(d) *(i)* whether the respondent's mental disorder, as demonstrated by the respondent's recent acts or omissions, will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will*:*

(A) become a danger to self or to others*;* or

(B) ~~will~~ be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety.

(ii) Predictability may be established by the respondent's relevant medical history.

(2) The standard of proof in a hearing held pursuant to this section is proof beyond a reasonable doubt with respect to any physical facts or evidence and clear and convincing evidence as to all other matters. However, the respondent's mental disorder must be proved to a reasonable medical certainty. Imminent threat of self-inflicted injury or injury to others must be proved by overt acts or omissions, sufficiently recent in time as to be material and relevant as to the respondent's present condition.

(3) The professional person appointed by the court must be present for the trial and subject to cross-examination. The trial is governed by the Montana Rules of Civil Procedure. However, if the issues are tried by a jury, at least two-thirds of the jurors shall concur on a finding that the respondent is suffering from a mental disorder and requires commitment. The written report of the professional person that indicates the professional person's diagnosis may be attached to the petition, but any matter otherwise inadmissible, such as hearsay matter, is not admissible merely because it is contained in the report. The court may order the trial closed to the public for the protection of the respondent.

(4) The professional person may testify as to the ultimate issue of whether the respondent is suffering from a mental disorder and requires commitment. This testimony is insufficient unless accompanied by evidence from the professional person or others that:

(a) the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; or

(d) (i) the respondent's mental disorder:

(A) has resulted in recent acts, omissions, or behaviors that create difficulty in protecting the respondent's life or health;

(B) is treatable, with a reasonable prospect of success;

(C) has resulted in the respondent's refusing or being unable to consent to voluntary admission for treatment; and

(ii) will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(5) The court, upon the showing of good cause and when it is in the best interests of the respondent, may order a change of venue.

(6) An individual with a primary diagnosis of a mental disorder who also has a co-occurring diagnosis of chemical dependency may satisfy criteria for commitment under this part.

(7) An individual with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury may be committed under this part only if the person meets the criteria outlined in subsection (1)(b), (1)(c), or (1)(d)(i)(A)."

Section 2. Section 53-21-127, MCA, is amended to read:

"**53-21-127. Posttrial disposition.** (1) ~~If,~~ *A respondent must be discharged and the petition dismissed if,* upon trial, it is determined that the respondent*:*

(a) is not suffering from a mental disorder ~~or~~*;*

(b) does not require commitment within the meaning of this part~~, the respondent must be discharged and the petition dismissed~~*; or*

(c) is suffering from a mental disorder but the respondent's primary diagnosis is Alzheimer's disease, other forms of dementia, or traumatic brain injury and the respondent meets only the commitment criteria outlined in 53-21-126(1)(a) or (1)(d)(i)(B).

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

(a) subject to the provisions of 53-21-193, commit the respondent to the state hospital or to a behavioral health inpatient facility for a period of not more than 3 months;

(b) commit the respondent to a community facility, which may include a category D assisted living facility, or a community program or to any appropriate course of treatment, which may include housing or residential requirements or conditions as provided in 53-21-149, for a period of:

(i) not more than 3 months; or

(ii) not more than 6 months in order to provide the respondent with a less restrictive commitment in the community rather than a more restrictive placement in the state hospital if a respondent has been previously involuntarily committed for inpatient treatment in a mental health facility and the court determines that the admission of evidence of the previous involuntary commitment is relevant to the criterion of predictability, as provided in 53-21-126(1)(d), and outweighs the prejudicial effect of its admission, as provided in 53-21-190; or

(c) commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months if the following conditions are met:

(i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in administrative rules of the department; and

(ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b)(ii), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent or the public or to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.

(7) ~~Satisfaction~~ *Except as provided in 53-21-126(7), satisfaction* of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely ~~upon~~ *on* the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility, which may include a category D assisted living facility, or a program or an appropriate course of treatment, as provided in subsection (3)(b), and may not require commitment at the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center.

(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:

(a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;

(b) the alternatives for treatment that were considered;

(c) the alternatives available for treatment of the respondent;

(d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;

(e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;

(f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;

(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission;

(h) if the order provides for an evaluation to determine eligibility for entering a category D assisted living facility, a finding that indicates whether:

(i) the respondent meets the admission criteria;

(ii) there is availability in a category D assisted living facility; and

(iii) a category D assisted living facility is the least restrictive environment because the respondent is unlikely to benefit from involuntary commitment to facilities with more intensive treatment; and

(i) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives."

Section 3. Section 53-21-401, MCA, is amended to read:

"**53-21-401. Legislative intent.** (1) It is the intent of the legislature that geriatric patients at the Montana state hospital and geriatric residents of the state who may ~~in the future be placed at~~ *be at risk of commitment to* the Montana state hospital and who do not need intensive psychiatric care receive care and treatment in nursing homes located in community settings.

(2) It is the further intent of the legislature that nursing homes providing such care and treatment be located regionally so that the residents may be near their homes and families.

(3) It is the further intent of the legislature that these nursing homes ~~shall~~ *must* be located in communities with:

(a) a labor pool large enough to ensure adequate and qualified staffing;

(b) sufficient medical facilities and medical professionals to provide necessary medical services; and

(c) if possible, an institution or institutions of higher learning with educational programs in disciplines with relevance to the problems of aging.

(4) It is the further intent of the legislature to:

(a) end the involuntary commitment of individuals who have a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury when those individuals meet only the commitment criteria outlined in 53-21-126(1)(a) or (1)(d)(i)(B); and

(b) develop, based on consultation and collaboration between providers and the department, services in the community for those individuals."

Section 4. Section 53-21-402, MCA, is amended to read:

"**53-21-402. Powers and duties of department of public health and human services.** The department ~~of public health and human services~~:

(1) shall contract with nonprofit corporations ~~which~~ *that* demonstrate expertise in and the capability of providing rehabilitative and restorative programs for aged citizens for the operation and management of nursing homes established under this part;

(2) shall ensure that nursing homes established and operated under this part are in compliance with all applicable federal and state regulations;

(3) shall adopt rules for staffing requirements and the admission of patients;

(4) shall provide that ~~geriatric residents of the Montana state hospital have~~ first priority for admission to nursing homes established under this part *be given to:*

(a) Montana state hospital patients who are geriatric; and

(b) people with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury who:

(i) have been involuntarily committed to the Montana state hospital but no longer need the intensive treatment provided by the hospital; or

(ii) are substantially unable to provide for their basic needs of food, clothing, shelter, health, or safety;

(5) shall provide members of the transition review committee provided for in [section 6] with the information necessary to carry out the committee's duties;

(6) shall implement, in consultation and collaboration with the transition review committee, a plan to prepare for the end of involuntary commitment of many individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury; and

~~(5)~~*(7)* may accept grants, gifts, bequests, and contributions in money or property or any other form from individuals, corporations, associations, or federal, state, and local government agencies for the purposes of establishing and operating nursing homes under this part."

Section 5. Placement of individuals with Alzheimer's disease, other forms of dementia, or traumatic brain injury -- direction to department. To accomplish the intent of 53-21-401(4), the legislature directs the department to:

(1) by June 30, 2025, develop and implement a plan to ensure the availability of community-based services for individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury who might otherwise be at risk of involuntary commitment;

(2) collaborate with the transition review committee provided for in [section 6] to identify the community-based services needed to ensure that individuals with those diagnoses can be safely and effectively served in the community;

(3) transfer funds as authorized by 17-7-139, [section 8], and federal laws and regulations to develop the services needed in the community; and

(4) by June 30, 2025, transition out of the Montana state hospital and into community services the Montana state hospital patients whose primary diagnosis involves Alzheimer's disease, other forms of dementia, or traumatic brain injury and who meet only the commitment criteria of 53-21-126(1)(a) or (1)(d)(i)(B). As part of this transition, the legislature intends for the department to actively pursue the timely discharge of those Montana state hospital patients.

Section 6. Transition review committee -- membership -- meetings -- reimbursement. (1) There is a transition review committee to monitor the need for and progress in developing community-based services for individuals who have been or are at risk of being involuntarily committed to the Montana state hospital and who have a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury.

(2) The committee must consist of:

(a) four legislators appointed as provided in subsection (4); and

(b) seven members appointed by the governor or the governor's designee as follows:

(i) one representative of a statewide association whose primary purpose is representing skilled nursing facilities and assisted living facilities;

(ii) one representative of the state protection and advocacy system for individuals with mental illness authorized under 42 U.S.C. 10803;

(iii) one representative of a statewide association whose primary purpose is representing individuals with Alzheimer's disease or other forms of dementia;

(iv) one representative of a statewide association whose primary purpose is representing individuals with traumatic brain injury;

(v) one physician with experience in geriatric psychiatry;

(vi) one family member or guardian of an individual who is or has, within the previous 5 years, been committed to the Montana state hospital and whose diagnosis included Alzheimer's disease, other forms of dementia, or traumatic brain injury; and

(vii) one representative of the department of public health and human services.

(3) Appointments must be made no later than May 15, 2023.

(4) (a) Legislative members of the committee must, in consultation with the minority party, be appointed as provided in this subsection (4).

(b) (i) The committee on committees shall appoint two members of the Montana senate, one from the majority party and one from the minority party.

(ii) The speaker of the house shall appoint two members of the Montana house, one from the majority party and one from the minority party.

(c) Two of the appointees must have served on the section b joint appropriations subcommittee, and two of the appointees must have been members of the house human services committee or senate public health, welfare, and safety committee.

(d) Legislative appointees to the committee may continue to serve on the committee if they are not members of the 69th legislature.

(5) A vacancy on the committee must be filled in the same manner as the original appointment.

(6) The committee shall elect a presiding officer and vice presiding officer from among the legislative members of the committee.

(7) The committee shall meet quarterly during the biennium beginning July 1, 2023, and must be disbanded no later than June 30, 2025.

(8) (a) A legislative member of the committee is entitled to salary and expenses as provided in 5-2-302.

(b) A nonlegislative member of the committee is entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

(9) The legislative services division shall provide staff support to the committee.

Section 7. Transition review committee duties -- reporting requirement. (1) The transition review committee shall:

(a) hear regular reports from the department and, as necessary, the office of budget and program planning on:

(i) the number of Montana state hospital patients with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury;

(ii) efforts the department is making to find community placements for individuals with those diagnoses, including any barriers to discharging the individuals from the Montana state hospital and the steps being taken to alleviate the barriers; and

(iii) activities being taken to identify and develop community-based services and to transition into those services individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury who meet only the commitment criteria of 53-21-126(1)(a) or (1)(d)(i)(B);

(b) hear reports from providers on matters related to serving individuals with Alzheimer's disease, other forms of dementia, or traumatic brain injury, including but not limited to information on the resources needed for serving the individuals in the community and recommendations for meeting those needs;

(c) review, as needed, efforts undertaken in other states to reduce the involuntary commitment of individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury and to identify practices in those states that may assist Montana in ending involuntary commitment of individuals with those diagnoses;

(d) advise the department of problems it is observing with the transition process; and

(e) make recommendations to the department and the legislature on potential solutions for alleviating problems encountered in the transition process.

(2) The department reports on Montana state hospital patients required under subsection (1)(a)(i) must include, for each period covered by the report:

(a) the number of those patients admitted to the hospital;

(b) the number currently receiving treatment; and

(c) the number discharged.

(3) The committee shall report regularly to the children, families, health, and human services interim committee and at least once to the house human services committee and the senate public health, welfare, and safety committee of the 69th legislature on:

(a) its review of the department's efforts and progress in:

(i) transitioning individuals from the Montana state hospital; and

(ii) developing the community-based services needed to prepare for the scheduled discontinuance on July 1, 2025, of the use of involuntary commitments for individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury who meet only the commitment criteria of 53-21-126(1)(a) or (1)(d)(i)(B); and

(b) any recommendations for additional legislation needed to accomplish the purposes of [sections 5 through 9].

Section 8. Certain transfers of funds authorized. Funds appropriated to the department for the operation of the Montana state hospital may be used for carrying out the purposes of [section 5] if:

(1) Montana state hospital patients are transferred to a community-based nursing home or other community setting that results in lower expenditures than allowed by legislative appropriation; and

(2) a transfer of appropriations between programs is:

(a) made as provided in 17-7-139; and

(b) approved by the governor.

Section 9. Limitation on expenditures. For the biennium beginning July 1, 2023, the department may spend up to $9 million a year to place individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia, or traumatic brain injury in a community setting rather than at the Montana state hospital when those individuals meet only the commitment criteria of 53-21-126(1)(a) or (1)(d)(i)(B).

Section 10. Appropriation. There is appropriated $39,775 from the general fund to the legislative services division for the biennium beginning July 1, 2023, for costs of the transition review committee provided for in [section 6].

(2) The legislature intends that this is a one-time-only appropriation.

Section 11. Codification instruction. [Sections 5 through 9] are intended to be codified as an integral part of Title 53, chapter 21, part 4, and the provisions of Title 53, chapter 21, part 4, apply to [sections 5 through 9].

Section 12. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval.

(2) [Sections 1 and 2] are effective July 1, 2025.

(3) [Section 10] is effective July 1, 2023.

Section 13. Termination. [Sections 4(5), 4(6), 6, and 7] terminate June 30, 2025.

Approved June 9, 2023

CHAPTER NO. 778

[HB 868]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR REPORTING BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROVIDING COORDINATION LANGUAGE; PROVIDING FOR A TRANSFER OF FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Transfer of funds. By August 15, 2023, the state treasurer shall transfer $100 from the general fund to the natural resources operations state special revenue account established in 15-38-301.

Section 2. Petroleum tank release compensation board reporting. (1) At each quarterly meeting of the natural resources and transportation budget committee during the 2023-2024 interim, the following must be present to report to the committee:

(a) a member of the petroleum tank release compensation board;

(b) the executive officer of the petroleum tank release compensation board;

(c) a representative of the department of environmental quality; and

(d) a member or representative of the petroleum marketers and convenience store association.

(2) The individuals listed in subsection (1) shall report on the following:

(a) the progress on the closing of sites;

(b) the amount of the fund balance in the petroleum tank release cleanup fund;

(c) the portion of the fund balance that is allocated or encumbered;

(d) any suggestions to improve the process of closing sites; and

(e) the timeliness of board payments for completed corrective action plans.

(3) The individuals listed in subsection (1) must be available for questions from committee members.

Section 3. Reporting. (1) By September 1, 2023, the department of fish, wildlife, and parks shall submit a report to the natural resources and transportation budget committee and the legislative finance committee describing all projects initiated but not completed, beginning with projects first appropriated in 2015 and continuing through the 2023 biennium in each of the program areas listed in subsection (4).

(2) The report must identify for each project:

(a) the name of the project;

(b) a broad description of the project's objectives;

(c) the project's physical location;

(d) a description of the work completed;

(e) the amount of money expended to date;

(f) the amount obligated but unspent; and

(g) a description of the problems or obstacles encountered that have prohibited completion of the project.

(3) Every quarter after that, the department shall submit a report to the natural resources and transportation budget committee and the legislative finance committee describing the progress a program made in completing the projects described in subsection (1). The report must include:

(a) actions taken to complete the project;

(b) funds expended during the quarter;

(c) the balance of funds obligated but not spent; and

(d) problems or obstacles inhibiting project completion.

(4) The following programs of the department of fish, wildlife, and parks shall provide reports as outlined in this section:

(a) wildlife management and maintenance;

(b) upland game bird enhancement program;

(c) migrating bird wetland program;

(d) future fisheries;

(e) hatcheries maintenance; and

(f) fish connection.

Section 4. Coordination instruction. If both Senate Bill No. 442 and [this act] are passed and approved, then [section 1 of Senate Bill No. 442] is void and must be replaced with:

"**Country road habitat access account.** (1) There is a county road habitat access account in the state special revenue fund established in 17-2-102. All funds received pursuant to 16-12-111 must be deposited in the account.

(2) Money deposited in the account is statutorily appropriated, as provided in 17-7-502, to the department of transportation and may be used only for funding the construction, reconstruction, maintenance, and repair of county roads in the manner provided in 15-70-101(4)."

Section 5. Coordination instruction. If both Senate Bill No. 442 and [this act] are passed and approved, then [section 2 of Senate Bill No. 442] is void and must be replaced with:

"**Habitat legacy account.** (1) There is a habitat legacy account in the state special revenue fund established in 17-2-102. All funds received pursuant to 16-12-111 are statutorily appropriated, as provided in 17-7-502, to the department of fish, wildlife, and parks and must be deposited in the account.

(2) At the end of each fiscal year, 75% of the funds received pursuant to 16-12-111(4)(b) must be transferred and used solely as funding for wildlife habitat in the same manner as funding under 87-1-242(3) and used pursuant to 87-1-209.

(3) If, at the end of any fiscal year, the unobligated cash balance in the account set up to administer funding under 87-1-242(3) and used pursuant to 87-1-209 equals or exceeds $50 million, adjusted annually for inflation, the transfer may not be made.

(4) If, at the end of any fiscal year, the unobligated cash balance in the account set up to administer funding under 87-1-242(3) and used pursuant to 87-1-209 is less than $50 million, adjusted annually for inflation, then an amount less than or equal to the difference between the unobligated cash balance and $50 million, adjusted annually for inflation, but not to exceed 75% of the taxes received pursuant to 16-12-111(4)(b), must be transferred to the account set up to administer funding under 87-1-242(3) and used pursuant to 87-1-209.

(5) The inflation adjustments made under this section must be based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

(6) Twenty-five percent, and any amount above the cap established in subsection (2), is retained in the habitat legacy account and must be used exclusively in the same manner as funding under 87-5-806 or 87-1-209.

(7) Any interest or income earned on the money in the habitat legacy account must be deposited into the account.

(8) Any unspent or unencumbered money in the habitat legacy account at the end of a fiscal year must remain in the account."

Section 6. Coordination instruction. If both Senate Bill No. 442 and [this act] are passed and approved, then 17-7-502 must be amended as follows:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; *[section 1 of Senate Bill No. 442];* 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; *[section 2 of Senate Bill No. 442];* 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July

1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

Section 7. Effective date. [This act] is effective July 1, 2023.

Approved June 21, 2023

CHAPTER NO. 779

[SB 184]

AN ACT REVISING PROCEDURAL REQUIREMENTS IN CHILD ABUSE AND NEGLECT PROCEEDINGS; PROHIBITING TRANSFERS OF VENUE OUTSIDE OF THE COUNTY IN WHICH AN ABUSE AND NEGLECT PETITION WAS FILED; PROVIDING EXCEPTIONS TO THE PROHIBITION ON TRANSFERS OF VENUE; PROHIBITING CONTINUANCES OF HEARINGS UNLESS GOOD CAUSE OR EXIGENT CIRCUMSTANCES EXIST; DEFINING "GOOD CAUSE" AND "EXIGENT CIRCUMSTANCES"; AND AMENDING SECTIONS 41-3-103 AND 41-3-434, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-103, MCA, is amended to read:

"**41-3-103. Jurisdiction and venue.** (1) Except as provided in the federal Indian Child Welfare Act, in all matters arising under this chapter, a person is subject to a proceeding under this chapter and the district court has jurisdiction over:

(a) a youth who is within the state of Montana for any purpose;

(b) a youth or other person subject to this chapter who under a temporary or permanent order of the court has voluntarily or involuntarily left the state or the jurisdiction of the court;

(c) a person who is alleged to have abused or neglected a youth who is in the state of Montana for any purpose;

(d) a youth or youth's parent or guardian who resides in Montana;

(e) a youth or youth's parent or guardian who resided in Montana within 180 days before the filing of a petition under this chapter if the alleged abuse and neglect is alleged to have occurred in whole or in part in Montana.

(2) *(a)* Venue is proper in the county where a youth is located or has resided within 180 days before the filing of a petition under this part or a county where the youth's parent or guardian resides or has resided within 180 days before the filing of a petition under this part.

(b) Unless a case is approved for transfer to a tribal court or treatment court, a court may deny a motion to change venue either for good cause or if transferring venue will result in delaying a child's permanency."

Section 2. Section 41-3-434, MCA, is amended to read:

"**41-3-434. Stipulations – *prohibition on continuances of hearings.*** *(1)* Subject to approval by the court, the parties may stipulate to any of the following:

~~(1)~~*(a)* the child meets the definition of a youth in need of care by the preponderance of the evidence;

~~(2)~~*(b)* a treatment plan, if the child has been adjudicated a youth in need of care;

~~(3)~~*(c)* the disposition; or

~~(4)~~*(d)* extension of the timeframes contained in this chapter, except for the timeframe contained in 41-3-445.

(2) (a) Unless the court determines that good cause or exigent circumstances exist, a hearing scheduled pursuant to this chapter may not be continued. If the court determines that good cause or exigent circumstances necessitate the continuance of a scheduled hearing, the court shall review the reasons for good cause or the exigency and order an appropriate remedy that considers the best interests of the child.

(b) For the purposes of this subsection (2), "exigent circumstances" means:

(i) newly discovered evidence;

(ii) unforeseen personal emergencies; or

(iii) other unforeseen emergencies or disasters.

(c) For purposes of this subsection (2), "good cause" exists when:

(i) a parent is progressing with recommended treatment or other services included in a court-approved treatment plan and would benefit from a reasonable amount of additional time to complete the identified tasks to achieve reunification with the child;

(ii) additional time is necessary to meet the individual needs of a child, provide for the child's physical or emotional health, or to facilitate the child's permanency;

(iii) continuation of a hearing is necessary to satisfy the procedural requirements of due process or effective representation; or

(iv) the parties agree to a continuance."

Approved June 29, 2023

CHAPTER NO. 780

[SB 254]

AN ACT REMOVING AN EXEMPTION FROM A POSTELECTION AUDIT FOR COUNTIES THAT TABULATE THEIR VOTES BY HAND; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-17-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-17-503, MCA, is amended to read:

"**13-17-503. Random-sample audit of vote-counting machines required -- rulemaking authority.** (1) After unofficial results are available to the public in a federal election, but before the official canvass by the county board of canvassers, the county audit committee shall conduct a random-sample audit of vote-counting machines.

(2) The random-sample audit may not include a ballot that a vote-counting machine was unable to process and that was not resolved pursuant to 13-15-206 because the ballot:

(a) appeared to have at least one overvote;

(b) appeared to be blank;

(c) was in a condition that prevented its processing by a vote-counting machine; or

(d) contained a mark, error, or omission that prevented its processing by a vote-counting machine.

(3) Except as provided in subsections (4) and (5), the random-sample audit must include:

(a) at least 5% of the precincts in each county or a minimum of one precinct in each county, whichever is greater; and

(b) an election for:
(i) one statewide office race, if any;
(ii) one federal office race;
(iii) one legislative office race; and
(iv) one statewide ballot issue if a statewide ballot issue was on the ballot.
(4) The audit may not include:
(a) a retention election for a judicial candidate; or
(b) a race in which a candidate was unopposed.
(5) A county is exempt from the postelection random-sample audit requirements if~~:~~
~~(a) the county does not use a vote-counting machine; or~~
~~(b)~~ the county's unofficial final vote totals for a ballot issue or for any race, except precinct committee representative, show a tie vote or a vote within the margins allowed by Title 13, chapter 16, part 2, for a recount without a court order. A county meeting the requirements of this subsection (5)(b) shall notify the secretary of state as soon as practicable.
(6) The secretary of state shall adopt rules to implement the provisions of this part, including but not limited to rules for:
(a) the process to be used for selecting precincts, races, and ballot issues for the random-sample audit; ~~and~~
(b) the manner in which the random-sample audit of vote-counting machines will be conducted pursuant to the procedures established in this part~~.~~*; and*
(c) the process to be used for counties that do not use vote-counting machines."
Section 2. Effective date. [This act] is effective on passage and approval.

Approved June 29, 2023

CHAPTER NO. 781

[SB 397]

AN ACT ESTABLISHING THE FACIAL RECOGNITION FOR GOVERNMENT USE ACT; PROVIDING A PURPOSE; PROHIBITING THE USE OF CONTINUOUS FACIAL SURVEILLANCE; PROHIBITING THE USE OF FACIAL RECOGNITION TECHNOLOGY; PROVIDING EXEMPTIONS FOR LAW ENFORCEMENT; PROVIDING EXEMPTIONS UNDER CERTAIN CONDITIONS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR RETENTION AND DESTRUCTION REQUIREMENTS; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR PENALTIES; PROVIDING DEFINITIONS; PROVIDING FOR A TRANSITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 12] may be cited as the "Facial Recognition for Government Use Act".

Section 2. Purpose. (1) Except as provided in subsection (2), the purpose of [sections 1 through 12] is to prohibit the use of facial recognition technology for continuous facial surveillance or facial identification by state and local government agencies and law enforcement agencies.

(2) It is the intent of the legislature to provide state and local government agencies the guidelines to use, or contract with third parties to use on their behalf, facial verification and to provide law enforcement agencies the ability to use facial recognition technology for investigations of serious crimes.

Section 3. Definitions. As used in [sections 1 through 12], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Affirmative authorization" means an action that demonstrates the intentional decision by an individual to opt into the retention of the individual's facial biometric data by a third-party vendor.

(2) "Another jurisdiction" means the federal government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, a federally recognized Indian tribe, or a state other than Montana.

(3) "Continuous facial surveillance" means the monitoring of public places or third-party image sets using facial recognition technology for facial identification to match faces with a prepopulated list of face images. The term includes but is not limited to scanning stored video footage to identify faces in the stored data, real-time scanning of video surveillance to identify faces passing by the cameras, and passively monitoring video footage using facial recognition technology for general surveillance purposes without a particularized suspicion of a specific target.

(4) "Department" means the department of justice.

(5) "Digital driver's license" means a secure version of an individual's physical driver's license or identification card that is stored on the individual's mobile device.

(6) "Facial biometric data" means data derived from a measurement, pattern, contour, or other characteristic of an individual's face, either directly or from an image.

(7) (a) "Facial identification" means a computer system that, for the purpose of attempting to determine the identity of an unknown individual, uses an algorithm to compare the facial biometric data of an unknown individual derived from a photograph, video, or image to a database of photographs or images and associated facial biometric data in order to identify potential matches.

(b) The term does not include:

(i) a system used specifically to protect against unauthorized access to a particular location or an electronic device; or

(ii) a system a consumer uses for the consumer's private purposes.

(8) "Facial recognition service" or "facial recognition technology" means the use of facial identification or facial verification.

(9) "Facial verification" means the automated process of comparing an image or facial biometric data of a known individual to an image database, or to government documentation containing an image of the known individual, to identify a potential match in pursuit of the individual's identity.

(10) "Law enforcement agency" means:

(a) an agency or officer of the state of Montana or of a political subdivision that is empowered by the laws of this state to conduct investigations or to make arrests; and

(b) an attorney, including the attorney general, who is authorized by the laws of this state to prosecute or to participate in the prosecution of a person who is arrested or who may be subject to a civil action related to or concerning an arrest.

(11) "Motor vehicle division" means the division within the department of justice authorized to issue driver's licenses.

(12) "Personal information" has the same meaning as in 30-14-1704.

(13) "Public building" means any building that the state or any political subdivision of the state maintains for the use of the public.

(14) "Public employee" means a person employed by a state or local government agency, including but not limited to a peace officer.

(15) "Public official" means a person elected or appointed to a public office that is part of a state or local government agency.

(16) "Public roads and highways of this state" has the same meaning as in 15-70-401.

(17) "Serious crime" means:

(a) a crime under the laws of this state that is a violation of 45-5-102, 45-5-103, 45-5-104, 45-5-106, 45-5-202, 45-5-207, 45-5-210, 45-5-212, 45-5-213, 45-5-220, 45-5-302, 45-5-303, 45-5-401, 45-5-503, 45-5-504(3), 45-5-508, 45-5-602, 45-5-603, 45-5-622, 45-5-625, 45-5-627, 45-5-628, 45-5-702, 45-5-703, 45-5-704, or 45-5-705; or

(b) a crime under the laws of another jurisdiction that is substantially similar to a crime under subsection (17)(a).

(18) "State or local government agency" means a state, county, or municipal government, a department, agency, or subdivision of a state, county, or municipal government, or any other entity identified in law as a public instrumentality. The term does not include a school district or law enforcement agency.

(19) "Vendor" has the same meaning as in 18-4-123.

Section 4. Prohibition of continuous facial surveillance. (1) A state or local government agency, law enforcement agency, public employee, or public official may not obtain, retain, possess, access, request, contract for, or use continuous facial surveillance.

(2) The use of facial recognition technology for facial verification, including any resulting data, may not be used to aid or assist in any type of continuous facial surveillance.

Section 5. Prohibition of facial recognition technology. (1) Except as provided in [sections 6 and 8], a state or local government agency, law enforcement agency, public employee, or public official may not:

(a) obtain, retain, possess, access, request, or use facial recognition technology or information derived from a search using facial recognition technology;

(b) enter into an agreement with a third-party vendor for any purpose listed in subsection (1)(a); or

(c) install or equip a continuous facial surveillance monitoring camera on public buildings or on public roads and highways of this state, except as provided in 46-5-117.

(2) The motor vehicle division may not establish a digital driver's license program that utilizes facial recognition technology without the consent of the legislature.

Section 6. Use of facial recognition technology by law enforcement -- when permitted -- restrictions on use -- warrant required. (1) The department of justice and local law enforcement agencies are authorized to use facial recognition technology for criminal investigations.

(2) The department of justice or a local law enforcement agency may perform a search using facial recognition technology and may obtain, retain, possess, access, or use the results of a search using facial recognition technology, as provided in subsection (3), for the purpose of:

(a) investigating a serious crime when there is probable cause to believe that an unidentified individual in an image has committed, is a victim of, or is a witness to a serious crime;

(b) assisting in the location or identification of a missing or endangered person; or

(c) assisting in the identification of a person who is deceased or believed to be deceased.

(3) Except as provided in subsection (5), a law enforcement agency shall obtain a warrant prior to performing a search using facial recognition technology under subsection (2).

(4) A law enforcement agency shall obtain a court order authorizing the use of facial recognition technology for the sole purpose of locating or identifying a missing person or identifying a deceased person under subsections (2)(b) and (2)(c). A court may issue an ex parte order under this subsection if a law enforcement agency certifies and the court finds that the information to be obtained is likely relevant to locating or identifying a missing person or identifying a deceased person.

(5) (a) A law enforcement agency may perform a search under subsection (2) using facial recognition technology prior to the issuance of a warrant if there is an emergency posing an imminent threat to a person. If an emergency exists under this subsection (5)(a), the law enforcement agency shall obtain a warrant within 24 hours of the search.

(b) The use of facial recognition technology must terminate immediately if the application for a warrant under subsection (5)(a) is denied.

(6) A law enforcement agency may not use the results of facial recognition technology as the sole basis to establish probable cause in a criminal investigation. The results of the use of facial recognition technology may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(7) A law enforcement agency may not use facial recognition technology to identify an individual based on a sketch or other manually produced image.

(8) A law enforcement agency may not substantively manipulate an image for use with facial recognition technology in a manner not consistent with the facial recognition technology provider's intended use and training.

(9) When using facial recognition for identification of an individual, the department or local law enforcement shall employ meaningful human review prior to making an adverse final decision.

Section 7. Disclosure to criminal defendants. (1) A law enforcement agency or the department shall disclose the use of facial recognition technology on a criminal defendant to that defendant in a timely manner prior to trial.

(2) Discovery of an application, affidavit, or court order relating to the use of facial recognition and any documents related to the use or request for use of facial recognition technology, if any, are subject to the provisions in Title 46, chapter 15.

(3) Data derived from the use of facial recognition technology in violation of [sections 1 through 12]:

(a) must be considered unlawfully obtained and, except as otherwise provided by law, must be deleted on discovery; and

(b) is inadmissible in evidence in a proceeding in or before a public official, department, regulatory body, court, or authority.

Section 8. Use of facial recognition technology by state and local government agencies -- when permitted -- restrictions on use -- exemption. (1) A state or local government agency may use, or contract with a third-party vendor for the use of, facial verification if the state or local government agency first provides a written use and privacy policy regarding facial recognition technology. The written policy must include, at a minimum:

(a) the specific purpose for facial verification by the state or local government agency;

(b) the length of term for which facial biometric data is being collected or stored; and

(c) notice that facial biometric data may not be collected on an individual without prior written consent by the individual.

(2) The state or local government agency must include an option for access to services without the use of facial verification.

(3) A third-party vendor who is contracted with a state or local government agency shall provide a copy of its written policies in accordance with [section 9] for use with the notice requirement outlined in subsection (1).

(4) A state or local government agency shall report the use of facial recognition technology pursuant to subsection (1) to the information technology board created in 2-15-1021.

(5) [Sections 1 through 12] do not apply to a state or local government agency that uses facial verification in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport or other port.

Section 9. Notice requirement -- policy and retention requirements for third-party vendors. (1) On capturing an image of an individual when the individual interacts with a state or local government agency, the state or local government agency shall notify the individual that the individual's image may be used in conjunction with a facial recognition service.

(2) A third-party vendor contracted with a state or local government agency for the provision of a facial recognition service may not collect, capture, purchase, receive through trade, or otherwise obtain an individual's facial biometric data in the implementation of the service unless it first:

(a) informs the individual or the individual's legally authorized representative in writing that facial biometric data is being collected or stored;

(b) informs the individual or the individual's legally authorized representative in writing of the specific purpose and length of term for which facial biometric data is being collected, stored, and used; and

(c) receives written consent from the individual or the individual's legally authorized representative authorizing the collection, storage, and use of the individual's facial biometric data.

(3) A third-party vendor contracted with a state or local government agency for the provision of a facial recognition service shall provide the state or local government agency with a written privacy policy. The privacy policy must be designed and presented in a way that is easy to read and is understandable to an average consumer and must include the date the policy was last updated. A third-party vendor shall give notice of a privacy policy change to the state or local government agency within a reasonable period.

(4) (a) Except as provided in subsection (4)(b), a third-party vendor in possession of facial biometric data because of a contract with a state or local government agency for the provision of a facial recognition service shall develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying facial biometric data when the initial purpose for collecting or obtaining the data has been satisfied. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a third-party vendor in possession of facial biometric data shall comply with its established retention schedule and destruction guidelines.

(b) A third-party vendor in possession of facial biometric data because of a contract with a state or local government agency for the provision of a facial recognition service may retain an individual's facial biometric data after the initial purpose for collecting or obtaining the data has been satisfied on the affirmative authorization of the individual. Facial biometric data retained

because of affirmative authorization must be permanently destroyed within 1 year of the individual's last interaction with the third-party vendor.

(5) (a) A third-party vendor in possession of facial biometric data as a result of a contract with a state or local government agency for the provision of a facial recognition service shall develop a written information security policy establishing appropriate administrative, technical, and physical controls to establish and govern the acceptable use of the third-party vendor's information technology, including networks, applications, and databases, to protect the confidentiality, integrity, and availability of any facial biometric data.

(b) The security policy under subsection (5)(a) must include a provision that the facial biometric data collected under [sections 1 through 12] is stored within the territorial boundaries of the United States.

(6) A third-party vendor in possession of facial biometric data because of a contract with a state or local government agency for the provision of a facial recognition service may not give, sell, lease, or trade an individual's facial biometric data without affirmative authorization from the individual.

(7) A third-party vendor in possession of facial biometric data because of a contract with a state or local government agency for facial recognition services:

(a) shall store, transmit, and protect from unauthorized disclosure all facial biometric data collected and processed:

(i) using the reasonable standard of care within the third-party vendor's industry; and

(ii) in a manner that is the same as or more protective than the way the third-party vendor stores, transmits, and protects other personal information; and

(b) may not release facial biometric data to a federal or state agency without a valid warrant or court order issued by a court of competent jurisdiction.

(8) A state or local government agency that uses facial recognition technology without a third-party vendor must develop the same written privacy and retention policies outlined in this section as required by a third-party vendor, and must adhere to the same provisions for retention, destruction, and privacy as provided in this section.

Section 10. Meaningful human review -- policy. A state or local government agency using a facial recognition service without a third-party vendor shall establish a policy that:

(1) ensures best quality results by following all guidance provided by the developer of the facial recognition service; and

(2) outlines training protocol for all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include but is not limited to coverage of:

(a) the capabilities and limitations of the facial recognition service;

(b) procedures to interpret and act on the output of the facial recognition service; and

(c) to the extent applicable, the meaningful human review requirement for decisions that produce legal effects concerning individuals.

Section 11. Audit -- reporting. (1) The criminal intelligence information section shall adopt an audit process to ensure that facial recognition technology is only used for legitimate law enforcement purposes, including audits of uses or requests made by law enforcement agencies.

(2) By June 30 of each year, a local law enforcement agency that utilized facial recognition technology shall submit a report to the criminal intelligence information section established in 44-5-501 containing all of the following information based on data from the previous calendar year:

(a) the number of facial recognition searches run;

(b) the offenses that the searches were used to investigate; and

(c) the number of arrests and convictions that resulted from the searches.

(3) By September 1 of each year, in accordance with 5-11-210, the department of justice shall submit a report to the economic affairs interim committee and the law and justice interim committee containing all the following information based on data from the previous calendar year:

(a) the information submitted to the department of justice pursuant to subsection (2);

(b) the names of the law enforcement agencies and other entities requesting facial recognition services;

(c) the number of searches run;

(d) the offenses that the searches were used to investigate; and

(e) the number of arrests and convictions that resulted from the searches.

(4) (a) By June 30 of each year, a third-party vendor providing facial recognition services to a state agency because of a contract under [section 8] shall submit a report to the state agency containing all the following information based on data from the previous calendar year:

(i) the number of warrants, subpoenas, or court orders received requesting facial recognition services; and

(ii) a summary of an audit completed by the third-party vendor.

(b) The state agency receiving the report from the third-party vendor shall submit a copy of the report to the economic affairs interim committee, the law and justice interim committee, and the information technology board created in 2-15-1021, by September 1 of each year, in accordance with 5-11-210.

Section 12. Penalty. (1) A violation of [sections 1 through 12] constitutes an injury and a person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in a court of competent jurisdiction to enforce [sections 1 through 12].

(2) A person who has been subjected to facial recognition technology in violation of [sections 1 through 12] or about whom information has been obtained, retained, accessed, or used in violation of [sections 1 through 12] may institute proceedings in a court of competent jurisdiction.

(3) A public employee or public official who, in the performance of their official duties, violates [sections 1 through 12] may be subject to disciplinary action, including but not limited to retraining, suspension, or termination, subject to the requirements of due process and of an applicable collective bargaining agreement.

(4) A prevailing party may recover for each violation:

(a) against an entity that negligently violates a provision of [sections 1 through 12], $1,000 or actual damages, whichever is greater;

(b) against an entity that intentionally or recklessly violates a provision of [sections 1 through 12], $5,000 or actual damages, whichever is greater;

(c) against an entity that negligently violates a provision of [sections 4 or 5], $5,000 or actual damages, whichever is greater;

(d) against an entity that intentionally or recklessly violates a provision of [sections 4 or 5], $10,000 or actual damages, whichever is greater;

(e) reasonable attorney fees and costs, including expert witness fees and other litigation expenses; and

(f) other relief, including an injunction, as the court may consider appropriate.

(5) The attorney general may bring an action to enforce [sections 1 through 12]. In an action brought by the attorney general, a violation of [sections 1

through 12] is subject to a civil penalty of $10,000 or actual damages, whichever is greater, for each violation.

(6) Nothing in this section limits the rights under state or federal law of a person injured or aggrieved by a violation of this section.

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 14. Transition. A third-party vendor who has an enforced contract with the department of corrections, the department of justice, or the department of labor and industry as of [the effective date of this act] shall comply with the provisions of [this act] by January 1, 2024.

Section 15. Codification instruction. [Sections 1 through 12] are intended to be codified as a new chapter in Title 44, and the provisions of Title 44 apply to [sections 1 through 12].

Section 16. Effective date. [This act] is effective on passage and approval.

Section 17. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to contracts for third-party facial recognition services signed or renewed by the department of corrections, the department of justice, and the department of labor and industry as of January 1, 2022.

Approved June 29, 2023

CHAPTER NO. 782

[SB 516]

AN ACT GENERALLY REVISING LAWS RELATED TO FERTILITY PRESERVATION SERVICES FOR PEOPLE DIAGNOSED WITH CANCER; REQUIRING INSURANCE COVERAGE OF FERTILITY PRESERVATION SERVICES; CREATING A VOLUNTARY ASSESSMENT FOR CANCER SCREENING EFFORTS; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-18-704, 33-31-111, 33-35-306, 53-6-101, AND 61-3-303, MCA; AND PROVIDING EFFECTIVE DATES, AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Legislative findings -- purpose. (1) The legislature finds that young Montanans who are diagnosed with cancer often learn, shortly before they are to begin the medical treatment needed to save their lives, that the treatment may result in infertility, leaving them only a small window of time in which to decide whether to undergo medically necessary efforts to preserve their ability to have biological families.

(2) The legislature further finds that future fertility is a top quality of life priority for many young cancer patients and that the possibility of infertility may cause significant distress and grief during a time when cancer patients are also facing not only their diagnoses but also the prospects of treatment that may include surgery, chemotherapy, radiation, or a combination of those approaches.

(3) The legislature further finds that fertility preservation is medically necessary and considered part of the standard of care for age-eligible oncology patients.

(4) It is the intent of [sections 1 through 4] to ensure that fertility preservation services for cancer patients are covered by insurance plans in the

same manner as other medically necessary care and that cancer patients are made aware of the options for fertility preservation services.

Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Iatrogenic infertility" means an impairment of fertility caused directly or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

(2) "Medical treatment that may directly or indirectly cause iatrogenic infertility" means treatment with a potential side effect of impaired fertility, as established by a national association for practitioners of reproductive medicine or clinical oncology.

(3) "Standard fertility preservation services" means procedures consistent with established medical practices and professional guidelines published by a national association for practitioners of reproductive medicine or clinical oncology.

Section 3. Coverage of fertility preservation services. (1) Each individual and group disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state that provides coverage for hospital, medical, or surgical services must cover medically necessary costs for standard fertility preservation services when an insured member is diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

(2) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions. Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other hospital, medical, or surgical services covered under the plan may not be imposed on coverage for fertility preservation services.

(3) This section does not apply to disability income, hospital indemnity, accident-only, vision, dental, or long-term care policies.

Section 4. Cancer screening account. (1) There is a cancer screening account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services.

(2) The account consists of:

(a) money collected from the donation provided for in 61-3-303(6)(d);

(b) other gifts and donations to the department for cancer screening efforts; and

(c) interest and income earned on the account.

(3) Money in the account must be used by the department of public health and human services to support cancer screening efforts.

Section 5. Section 2-18-704, MCA, is amended to read:

"**2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for:

(a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

(b) therapies for Down syndrome, as provided in 33-22-139;

(c) treatment for children with hearing loss as provided in 33-22-128(1) and (2);

(d) fertility preservation services as required under [section 3];

~~(d)~~*(e)* the care and treatment of mental illness in accordance with the provisions of Title 33, chapter 22, part 7; and

~~(e)~~*(f)* telehealth services, as provided for in 33-22-138.

(8) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (8)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the advisory committee on immunization practices of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (8).

(d) For purposes of this subsection (8):

(i) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics; and

(ii) "well-child care" means the services described in subsection (8)(b) and delivered by a physician or a health care professional supervised by a physician.

(9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans issued under this part, the premium charged for the additional coverage

of a dependent, as defined in the insurance contract or plan, may be required to be paid by the insured and not by the employer.

(10) Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member.

(11) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending physician and, in the case of a health maintenance organization, the primary care physician, in consultation with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(12) (a) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for outpatient self-management training and education for the treatment of diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes.

(b) Coverage must include a $250 benefit for a person each year for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes.

(c) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(d) Nothing in subsection (12)(a), (12)(b), or (12)(c) prohibits the state or the Montana university group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in which case subsection (12)(a), (12)(b), or (12)(c), as appropriate, does not apply.

(e) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy.

(f) This subsection (12) does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the Montana university system as benefits to employees, retirees, and their dependents.

(13) (a) The state employee group benefit plans and the Montana university system group benefits plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b), the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this section must provide for the same level of benefits as is available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of the insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent who is insured under a COBRA continuation provision.

(b) The state employee group benefit plans and the Montana university system group benefits plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or dependent only if:

(i) the spouse or dependent has failed to pay premiums or contributions in accordance with the terms of the state employee group benefit plans and the Montana university system group benefits plans or if the plans have not received timely premium payments;

(ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of a material fact under the terms of the coverage; or

(iii) the state employee group benefit plans and the Montana university system group benefits plans are ceasing to offer coverage in accordance with applicable state law.

(14) The state employee group benefit plans and the Montana university system group benefits plans must comply with the provisions of 33-22-153.

(15) An insurance contract or plan issued under this part and a group benefits plan issued by the Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter 22, part 7. (See compiler's comments for contingent termination of certain text.)"

Section 6. Section 33-31-111, MCA, is amended to read:

"**33-31-111. Statutory construction and relationship to other laws.** (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under Title 33, chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, parts 7 and 19;

(c) the requirements of 33-22-134 and 33-22-135;

(d) network adequacy and quality assurance requirements provided under chapter 36; or

(e) the requirements of Title 33, chapter 18, part 9.

(7) Other chapters and provisions of this title apply to health maintenance organizations as follows: Title 33, chapter 1, parts 6, 12, and 13; 33-2-1114; 33-2-1211 and 33-2-1212; Title 33, chapter 2, parts 13, 19, 23, and 24; 33-3-401; 33-3-422; 33-3-431; Title 33, chapter 3, part 6; Title 33, chapter 10; Title 33,

chapter 12; 33-15-308; Title 33, chapter 17; Title 33, chapter 19; 33-22-107; 33-22-128; 33-22-129; 33-22-131; 33-22-136 through 33-22-139; 33-22-141 and 33-22-142; 33-22-152 and 33-22-153; *[section 3];* 33-22-156 through 33-22-159; 33-22-180; 33-22-244; 33-22-246 and 33-22-247; 33-22-514 and 33-22-515; 33-22-521; 33-22-523 and 33-22-524; 33-22-526; and Title 33, chapter 32."

Section 7. Section 33-35-306, MCA, is amended to read:

"**33-35-306. Application of insurance code to arrangements.** (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) 33-1-111;

(b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(c) Title 33, chapter 1, part 7;

(d) Title 33, chapter 2, parts 23 and 24;

(e) 33-3-308;

(f) Title 33, chapter 7;

(g) Title 33, chapter 18, except 33-18-242;

(h) Title 33, chapter 19;

(i) 33-22-107, 33-22-128, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139, 33-22-141, 33-22-142, 33-22-152, and 33-22-153;

(j) 33-22-512, 33-22-515, 33-22-525, and 33-22-526;

(k) Title 33, chapter 22, part 7*, and [sections 1 through 4]*; and

(l) 33-22-707.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Section 8. Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; ~~and~~

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.*; and*

(p) fertility preservation services in accordance with [section 3].

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of professional counselors licensed under Title 37, chapter 23;

(m) hospice care, as defined in 42 U.S.C. 1396d(o);

(n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(o) services of psychologists licensed under Title 37, chapter 17;

(p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

(q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and

(r) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)"

Section 9. Section 61-3-303, MCA, is amended to read:

"**61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state.

(2) A Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer with co-owners, one or more of whom are not Montana residents, may register the vehicle regardless of the fact that one or more of the co-owners would otherwise not qualify to register the vehicle under subsection (1) if the registering Montana resident is:

(a) an individual human being; and

(b) the principal operator of, and in whom is vested the right of possession and control of, the vehicle.

(3) Except as provided in subsection (4), the county treasurer or an authorized agent shall register any vehicle for which:

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, an owner delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or

(b) the county treasurer or an authorized agent confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(4) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer or the authorized agent examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-220(4) and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile,

or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit from the authorized agent or county treasurer that originally issued the temporary registration permit.

(5) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer or an authorized agent shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (6); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(6) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county treasurer or an authorized agent:

(a) the fees in lieu of tax or registration fees as required for:

(i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle or quadricycle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321;

(b) a donation of $1 or more if the person indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; ~~and~~

(c) a donation of $1 or more if the person indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury*; and*

(d) a donation of $1 or more if the person indicates that the person wishes to donate to a program supporting cancer screening.

(7) The county treasurer or an authorized agent may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (6).

(8) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(9) Revenue that accrues from the voluntary ~~donation~~ *donations* provided *for* in subsection (6)~~(b)~~ must be forwarded by the respective county treasurer or an authorized agent to the department for deposit *as follows:*

(a) in the state special revenue fund to the credit of an account established by the department of labor and industry to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts *if the revenue is from the donation provided for in subsection (6)(b);*

(b) to the credit of the account established in 2-15-2218 if the revenue is from the donation provided for in subsection (6)(c); and

(c) to the credit of the special revenue account established in [section 4] if the revenue is from the donation provided for in subsection (6)(d).

(10) (a) Except as provided in subsection (10)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. When registered, a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred or unless it was registered under 61-3-701.

(b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

~~(11) Revenue that accrues from the voluntary donation provided in subsection (6)(c) must be forwarded by the respective county treasurer or an authorized agent to the department for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury.~~

~~(12)~~*(11)* The department, an authorized agent of the department, or a county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of 61-6-301."

Section 10. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 through 4].

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2024.

(2) [Sections 4 and 9] and this section are effective July 1, 2023.

Section 12. Applicability. [This act] applies to insurance policies, certificates, and contracts issued or renewed on or after January 1, 2024.

Approved June 29, 2023

CHAPTER NO. 783

[SB 181]

AN ACT PROVIDING FOR THE PROVISION OF CERTAIN INFORMATION TO A PARENT, GUARDIAN, OR OTHER PERSON HAVING PHYSICAL OR LEGAL CUSTODY OF A CHILD WHO IS THE SUBJECT OF A CHILD ABUSE OR NEGLECT INVESTIGATION.

Be it enacted by the Legislature of the State of Montana:

Section 1. Provision of information about investigation procedure and rights to parents. (1) On removal of a child, the department shall verbally advise the parent, guardian, or other person having physical or legal custody of a child:

(a) of the specific complaint or allegation made against the parent, guardian, or other person having physical or legal custody of a child;

(b) of the fundamental rights of parents under 40-6-701 and 40-4-227 to direct the upbringing, education, health care, and mental health of their children without government interference, but this right should yield to

the best interests of the child when the parent's conduct is contrary to the child-parent relationship;

(c) of the right to seek counsel at any time and to consult with counsel before signing any documents; and

(d) that the parent, guardian, or other person having physical or legal custody of a child:

(i) is not required to permit an investigator from the department to enter the home or submit to a drug or alcohol test, unless ordered to do so by the court;

(ii) is not required to speak with the investigator and any statements may be used in an administrative or court proceeding; and

(iii) may record any interactions with a department employee if the parent, guardian, or other person having physical or legal custody of a child informs the department employee that the interaction is being recorded.

(2) During initial interactions with the parent, guardian, or other person having physical or legal custody of a child who is the subject of an investigation under 41-3-202, the department shall provide the parent, guardian, or other person having physical or legal custody of a child with a clear written description:

(a) of the right to seek counsel at any time and to consult with counsel before signing any documents;

(b) that the parent, guardian, or other person having physical or legal custody of a child is not required to permit an investigator from the department to enter the home or submit to a drug or alcohol test, unless ordered to do so by the court;

(c) that the parent, guardian, or other person having physical or legal custody of a child is not required to speak with the investigator and any statements may be used in an administrative or court proceeding;

(d) of the right of the parent, guardian, or other person having physical or legal custody of a child to:

(i) be treated with dignity and respect without any form of discrimination; and

(ii) have the parent's, guardian's, or other person's culture, language, and religion respected; and

(e) of the department's procedures for conducting an investigation of alleged child abuse or neglect.

(3) If applicable after initial contact, the department shall provide the parent, guardian, or other person having physical or legal custody of a child with a concise written description of:

(a) the circumstances under which the department would seek to enter into a written prevention plan or services agreement with the parent or guardian under 41-3-302;

(b) the circumstances under which the department would remove the child from the home and seek a court order for immediate protection and emergency protective services under 41-3-427;

(c) an explanation of when the law requires the department to refer a report of alleged child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

(d) the right to withhold consent to release the parent's, guardian's, or other person's medical or mental health records unless ordered to do so by a court; and

(e) the right to accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

(4) When the parent, guardian, or other person having physical or legal custody of a child requests to file a complaint, the department shall provide the parent, guardian, or person having physical or legal custody:

(a) the procedures to file a complaint with the department and the child and family ombudsman;

(b) the procedure for the department to disclose records to a member of the United States congress or a member of the Montana legislature under 41-3-205(4); and

(c) the process for reviewing the department's records of the investigation.

(5) When the court approves emergency protective services, the office of public defender shall provide the parent, guardian, or other person having physical or legal custody of a child:

(a) timelines for hearings and determinations under this chapter; and

(b) an explanation that a parent, guardian, or other person having physical or legal custody of a child has the right to:

(i) receive a copy of the affidavit of the child protection specialist regarding the circumstances of the emergency removal as provided under 41-3-301;

(ii) attend and participate in hearings, which includes providing a statement to the judge;

(iii) contest the allegations in a petition filed under 41-3-422;

(iv) call witnesses and cross-examine witnesses;

(v) have a support person or persons present during any meeting with a child protection specialist or other department staff;

(vi) request that the child be placed in a kinship foster home as defined in 52-2-602; and

(vii) be provided with services, including visitation with the child, unless otherwise ordered by the court.

(6) Except for the information provided in subsection (1)(a), the department shall post the information required to be given to a parent, guardian, or other person having physical or legal custody of a child on a publicly available website and in a conspicuous place in the publicly accessible area of the office of a child protection specialist.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 2, and the provisions of Title 41, chapter 3, part 2, apply to [section 1].

Approved July 18, 2023

RESOLUTIONS

Adopted by the

SIXTY-EIGHTH LEGISLATURE IN REGULAR SESSION

Held at Helena, the Seat of Government
January 2, 2023, through May 2, 2023

COMPILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

House Joint Resolutions

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MISSING YOUTH; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 69TH LEGISLATURE.

WHEREAS, 80% of all missing persons in Montana are youth under 18 years of age.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the issue of missing youth for the purpose of determining how the State of Montana can reduce the number of missing youth and increase the chances of quickly locating missing youth.

BE IT FURTHER RESOLVED, that the interim committee:

(1) collaborate with the Department of Justice and the missing persons specialist, youth courts and juvenile probation officers, the Office of Public Instruction, the Department of Public Health and Human Services, the Missing Indigenous Persons Task Force, the Missing Indigenous Persons Review Commission, tribal governments, and youth organizations in examining this issue;

(2) gather information about missing youth cases and reasons why youth are reported missing;

(3) utilize data from the Youth Risk Behavior Survey;

(4) analyze rates and data of missing youth among specific subgroups, including but not limited to indigenous youth, youth in foster care, and youth who go missing more than once; and

(5) examine efforts made by other states and jurisdictions to reduce the number of youth reported missing and decrease the amount of time for missing youth to be located and determine whether these approaches warrant adoption in Montana.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments or recommendations of the appropriate committee, be reported to the 69th Legislature.

Adopted February 9, 2023

HOUSE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ELECTRIC POWER RESERVES; IDENTIFYING OPTIONS TO SECURE RESERVE POWER ABOVE PEAK LOADS; AND

TO CONSIDER REQUIRING WHOLESALE ELECTRIC TRANSMISSION CUSTOMERS OR THEIR SUPPLIERS TO CONTRACT FOR OR PROVIDE ELECTRIC POWER RESERVES TO ENSURE ELECTRIC POWER SYSTEM RELIABILITY.

WHEREAS, economic, policy, and technological forces are rapidly transforming the supply and demand of electricity on the Montana grid; and

WHEREAS, a study of electric resource adequacy in the state by the University of Montana Bureau of Business and Economic Research projected the state may be a net importer of electricity within 5 to 10 years, increasing reliance on transmission paths into the state; and

WHEREAS, many transmission pathways into the state show signs of being congested; and

WHEREAS, an extreme cold weather event in February 2021 created a situation in which the delivery of electricity supply to a wholesale customer of an investor-owned utility was interrupted and the utility was nearly unable to meet its electricity delivery obligations to other customers, including electric cooperatives; and

WHEREAS, the event could have led to rolling blackouts in the state during that time; and

WHEREAS, new solutions should be considered to enhance reliability and minimize the probability of service interruption; and

WHEREAS, solutions evaluated should include increased pledges of electricity supply reserves above peak demand that a balancing authority could summon to improve the tools utilities have to manage loads during critical periods.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) determine whether to require utilities and wholesale electric generation suppliers to have, contract for, or participate in a pool for electric power generation reserves;

(2) determine when reserves should be made available to the balancing authority managing an electric load in order to decrease the probability of service interruptions and enhance reliability while remaining in compliance with evolving North American Electric Reliability Corporation standards; and

(3) examine the feasibility and efficacy of providing an alternative option to wholesale electric transmission customers to enable temporary reductions to a portion or all electric load instead of contracting additional electric generation reserves at times when load-shedding is required by the balancing authority to ensure uninterrupted service to ratepayers.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

Adopted April 12, 2023

HOUSE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE 100TH ANNIVERSARY OF THE LIVINGSTON ROUNDUP RODEO'S 100 BUCKIN' YEARS EVENT.

WHEREAS, in 1924 Charley Murphy, owner of the Ox Yoke Ranch, now known as the Mountain Sky Ranch, and other Livingston residents held the inaugural 3-day rodeo on Labor Day weekend, later known as the Livingston Roundup Rodeo, with $2,500 in prize money—equivalent to $43,300 in 2024; and

WHEREAS, in 1924 a Livingston Roundup Rodeo ticket could be purchased for $1 from the rodeo office located across the street from the Park Hotel; and

WHEREAS, this "Rodeo and Jamboree" event included 3 days of rodeo and 2 days of parades, dances, and other entertainment in which "Livingston Streets were filled with exemplars of the early western days swaggering about in bow-legged chaps and eye-filling shirts" (quoted from the 1924 Livingston Enterprise); and

WHEREAS, the Rodeo was held on the "island"—now the Park County Fairgrounds—followed by a dance at the "island pavilion", with other activities occurring in downtown Livingston designed not to "imitate the Bozeman roundup" (quoted from the 1924 Livingston Enterprise, quoting the Bozeman Chronicle); and

WHEREAS, the Livingston Roundup Association was incorporated in 1928 with a stated purpose "to give shows, rodeos, roundups, to hold riding contests, roping contests, bull-dogging contests, horse races and to give on any and all other amusements in the City of Livingston or other places in the County of Park and any and all money or profit over and above any and all expense of the operation shall be used for the purpose of advertising the County of Park and for the purpose of beautifying the City of Livingston, Montana"; and

WHEREAS, 100 years seems like forever, but on July 2, 3, and 4, 2024, the century mark for the Livingston Roundup Rodeo will be reached; and

WHEREAS, rodeos, such as the Livingston Roundup Rodeo, pay homage and tribute to the rich western history, heritage, and lifestyle of the State of Montana and its residents; and

WHEREAS, agriculture and tourism are important foundations to the economy of the State of Montana; and

WHEREAS, the Livingston Roundup Rodeo is now sanctioned by both the Professional Rodeo Cowboy Association and the Women's Professional Rodeo Association with an estimated purse of $250,000 and is attended by approximately 15,000 spectators; and

WHEREAS, these rodeo spectators come not only from Park and Gallatin Counties, but a substantial portion come from all over the United States, Canada, and Europe, as the Livingston Roundup Rodeo has become a destination event for those vacationing in Montana and Yellowstone National Park.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That in 2024 there will be a celebration of the 100 Buckin' Years of the Livingston Roundup Rodeo.

BE IT FURTHER RESOLVED, that all are encouraged to help plan, develop, participate in, and attend the 100 Buckin' Years event in Livingston, Park County, Montana, on July 2, 3, and 4, 2024.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor, all state agency directors, and to each member of the Montana Congressional Delegation.

Adopted March 24, 2023

HOUSE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DECLARING DOCUMENTS RELATED TO THE ORIGINAL 13TH AMENDMENT AS RECORDS OF PERMANENT VALUE AND REQUESTING THE MONTANA HISTORICAL SOCIETY CREATE A REPOSITORY FOR PRESERVATION OF THE RECORDS.

WHEREAS, in 1810 an amendment to the United States Constitution prohibiting titles of nobility was introduced by United States Senator Philip Reed, passed both houses of Congress, and was sent to the states for ratification; and

WHEREAS, this amendment, now known as the original 13th Amendment, states "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them"; and

WHEREAS, 13 states were necessary to ratify the proposed amendment to make it part of the United States Constitution; and

WHEREAS, 12 states ratified the original 13th Amendment between 1810 and 1812, shortly before the outbreak of the War of 1812, during which time many records were destroyed in the tumult of war; and

WHEREAS, there exists no record of ratification or rejection by the state of Virginia regarding the original 13th Amendment; nonetheless Virginia passed legislation to republish its civil code and the United States Constitution and its amendments on March 12, 1819; and

WHEREAS, Virginia's republication of the laws included the original 13th Amendment to the United States Constitution, thereby announcing its ratification of the amendment; and

WHEREAS, word of Virginia's ratification of the original 13th Amendment spread to various states and territories that also published the amendment and ordered copies of the United States Constitution with the original 13th Amendment for dissemination and use in schools; over a 41-year period, 11 different states and territories printed the amendment in 20 separate publications; and

WHEREAS, publication is prima facie evidence of the ratification of the original 13th Amendment of the United States Constitution; and

WHEREAS, documents relating to the original 13th Amendment and states' ratification and consideration of the amendment are valuable artifacts of our state and country and should have a secure and central location accessible by all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the documents relating to the original 13th Amendment and states' ratification and consideration of the amendment are records of permanent value worthy of preservation.

BE IT FURTHER RESOLVED, that the Montana Historical Society should create a repository for the preservation of these records of permanent value concerning the original 13th Amendment.

BE IT FURTHER RESOLVED, that the Montana Secretary of State send a copy of this resolution to the Montana Historical Society and to each member of the Montana Congressional Delegation.

Adopted March 31, 2023

HOUSE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REAFFIRMING MONTANA'S COMMITMENT TO ITS RELATIONSHIP WITH TAIWAN.

WHEREAS, the United States and Taiwan are bonded by their shared commitment to democracy, human rights, the rule of law, and a free market economy; and

WHEREAS, trade between the United States and Taiwan contributes meaningfully to our mutual economic growth; and

WHEREAS, Taiwan is the eighth largest trading partner of the United States with bilateral trade totaling $113.9 billion in 2021, while both sides welcomed the launch of the U.S.-Taiwan Initiative on 21st-Century Trade to further develop economic ties and facilitate trade; and

WHEREAS, Taiwan and Montana have marked a close relationship through a sister state agreement begun in 1985 and established the Montana Asia Trade Office in 2021 to expand bilateral trade and to promote the partnership with the private sectors to create favorable economic development; and

WHEREAS, Montana's share of that trade in 2021 amounted to outbound sales to Taiwan of $53 million in commodity goods, such as semiconductor machinery, inorganic chemicals, and machine parts, with commodity purchases from Taiwan of $45 million in 2021 that primarily included semi-manufactured platinum metal, electrical machines for audio and video recording, and self-tapping screws of iron and steel; and

WHEREAS, based on the principles of the U.S.-Taiwan Education Initiative in 2020, Taiwan intends to further collaborate with Montana on education, technology, and cultural and economic exchanges by signing memoranda of understanding to contribute positively to the strengthening of education and learning-related linkages between both sides; and

WHEREAS, Montana welcomes all opportunities for an even closer economic, educational, and cultural relationship with Taiwan and supports increased trade and investment through bilateral free and fair trade agreements, support of the United States-Taiwan Global Cooperation and Training Framework, and capacity-building programs for regional experts in e-commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the state of Montana recognizes the importance of a strong and enduring partnership with Taiwan.

(2) That the state of Montana welcomes periodic trade talks under the U.S.-Taiwan Initiative on 21st-Century Trade or related agreements in the interest of free and fair trade.

(3) That the Secretary of State send copies of this resolution to the Department of Commerce, the Montana Congressional Delegation, the Governor, the Taiwanese Minister of Foreign Affairs, and the Director of the Taipei Economic and Cultural Office in Seattle.

Adopted March 22, 2023

HOUSE JOINT RESOLUTION NO. 11

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO PUSH BACK AGAINST ENVIRONMENTAL, SOCIAL, AND GOVERNMENTAL POLICIES.

WHEREAS, since statehood, Montana's official motto has been "The Treasure State" due to its abundance of mineral, timber, energy, and agricultural resources; and

WHEREAS, dozens of Montana communities have depended on these abundant resources as the source of employment for their residents, tax base for their schools and infrastructure, and backbone of their economies for well over 100 years; and

WHEREAS, community banks have served the families and businesses in both urban and rural areas throughout Montana with deposit accounts, commercial loans, and financial services, understanding the underpinnings of the economy being dependent upon petroleum, coal, timber, minerals, water resources, and agricultural production; and

WHEREAS, Montana banks are integral players in the communities they serve, and for decades have been held accountable by both state and federal regulatory bodies to serve the diverse interests of those communities, based solely on creditworthiness and business acumen, without prejudice or discrimination, and

WHEREAS, both large and small banks are under intense pressure by environmental activist groups, federal regulatory agencies, and some elected officials to starve natural resource-dependent businesses of capital by implementing biased, scientifically unfounded, and politically driven policies that compel financial institutions to reevaluate or even sever their traditional relationships with businesses and individuals deemed to be associated with industries considered to be undesirable; and

WHEREAS, the U.S. Securities and Exchange Commission (SEC) announced in a March 21, 2022, "landmark proposal" it would begin requiring publicly traded companies to disclose extensive climate-related information in their SEC filings, and on May 25, 2022, the SEC proposed two rule amendments seeking to enhance and standardize disclosures related to environmental, social, and governmental (ESG) factors considered by funds and advisors; and

WHEREAS, banks of all sizes are required by law to carry depository insurance with the sole provider of insurance being the Federal Deposit Insurance Corporation (FDIC), a governmental agency whose current chairman has stated: "The effects of climate change and the transition to reduced reliance on carbon-emitting sources of energy present emerging economic and financial risks to the safety and soundness of financial institutions and the stability of the financial system […] these climate-related financial risks pose a clear and significant risk to the U.S. financial system and, if improperly assessed and

managed, may pose a threat to safe and sound banking and financial stability. Further, all financial institutions, regardless of size, complexity, or business model, are subject to climate-related financial risks"; and

WHEREAS, the FDIC's intense focus on climate change risk assessment will have a chilling effect on banks of all sizes as they evaluate lending policies with regard to local businesses and individuals deemed by the FDIC as posing climate change risks, with the FDIC thereby creating a self-fulfilling prophecy of starving targeted businesses of capital needed to survive, expand, or adapt; and

WHEREAS, free market capitalism has created the most prosperous nation in history, and current efforts by federal regulatory agencies to redirect capital from politically disfavored industries and toward favored, often subsidized industries is a direct assault on free markets and on communities, businesses, and families that have traditionally prospered under principles of free markets; and

WHEREAS, ESG standards are intended to alter how businesses and investments are evaluated so that instead of focusing on the quality of goods and services, profits, and other traditional economic metrics, businesses and investments are instead evaluated based on various environmental, social justice, or corporate governance causes and assigned scores so that they can be compared, rewarded, or potentially punished according to such factors; and

WHEREAS, a longstanding tenet of banking is "know your customer", and banks in Montana communities know their customers and the credit risks they pose better than bureaucrats employed by federal regulatory agencies do.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State Legislature and the Governor of Montana urge Montana's two members of the U.S. House of Representatives, and two U.S. Senators, both of whom serve on the Senate Banking Committee, to push back against the agencies the committee oversees by compelling them to rescind, withdraw, modify, or amend subjective, unwarranted, unquantifiable ESG policies and directives that are restraining financial institutions from extending capital to creditworthy businesses operating in a legal fashion; and

BE IT FURTHER RESOLVED, that the Montana Division of Banking and Financial Institutions be similarly advised that it should not implement examination policies or guidelines that go beyond traditional "safety and soundness" risk assessments when evaluating Montana's state-chartered institutions; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to appointed officials leading the Federal Reserve, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, Office of the Comptroller of the Currency, and the Consumer Financial Protection Bureau.

Adopted March 24, 2023

HOUSE JOINT RESOLUTION NO. 14

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ACKNOWLEDGING AND THANKING MILITARY VETERANS WHO SERVED IN THE KOREAN WAR AND RECOGNIZING THOSE FROM MONTANA WHO SACRIFICED THEIR LIVES.

WHEREAS, on June 25, 1950, Communist North Korea invaded South Korea, thereby initiating the Korean War; and

WHEREAS, President Harry S. Truman ordered U.S. military intervention to help stop the attack on June 27, 1950; and

WHEREAS, approximately 1.7 million men and women of the U.S. Armed Forces served and fought during the Korean War to defeat the spread of communism; and

WHEREAS, many Montanans have made the ultimate sacrifice in serving our country and securing the freedoms we enjoy today; and

WHEREAS, these brave heroes answered the call of our national anthem, which states "then conquer we must when our cause it is just"; and

WHEREAS, these heroes and their families deserve honor and remembrance for the tremendous sacrifices they made in service to their country.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature hereby recognizes and thanks veterans of the Korean War and their families for their sacrifices in service to their country.

BE IT FURTHER RESOLVED, that the Legislature acknowledges and honors the following Montana servicemembers who made the ultimate sacrifice for our nation in the Korean War:

MEMBER NAME	HOME COUNTY OF RECORD
Adams, Bosie Arnold	Park
Adams, John Edwin	Toole
Amundson, Harold L.	Flathead
Angstman, Forrest Bernard	Park
Archer, John D.	Custer
Banks, Earl	Cascade
Berg, Stanley M.	Dawson
Bixby, Lloyd J.	Big Horn
Bjork, William Wesley	Flathead
Blinn, John Dorland	Silver Bow
Brandvold, Benny L.	Liberty
Brest, Lyle Aven	Richland
Broadhurst, Claude M., Jr.	Toole
Brousseau, Philip F.	Gallatin
Bullman, Robert E.	Flathead
Buntin, Charles Warner	Fergus
Burke, John H.	Lewis and Clark
Carroll, Edwin E .	Pondera
Cassatt, Patrick Thomas	Silver Bow
Chesmore, George J.	Carbon
Christensen, Jack W.	Richland
Clark, Glen J.	Broadwater
Cole, Charles M.	Ravalli
Coleman, Richard Allyn	Fergus
Cooper, Robert	Powell
Corcoran, William E.	Deer Lodge
Cornn, Wilmer	Pondera
Covlin, Elvin Ray	Deer Lodge
Cridland, Arnold L.	Custer
Cross, Robert H .	Judith Basin
Curtis, Lloyd W.	Ravalli
Dean, George	Lewis and Clark

Derr, Robert E.	Pondera
Deschamps, Elzeard John	Lewis and Clark
Desrosier, John Arthur	Lewis and Clark
Dipasquo, Daniel	Cascade
Duncan, Richard E.	Lewis and Clark
Ellingson, Chevlyn M.	Hill
Erickson, Richard D.	Deer Lodge
Fengstad, Gordan O.	Sheridan
Fields, Oliver Martin	Teton
Fleischmann, Richard	Deer Lodge
Ford, Arthur F.	Yellowstone
Fouracres, Henry John	Silver Bow
Gertzen, Norman Arthur	Glacier
Gilmore, Timothy J.	Silver Bow
Goodheart, John W.	Blaine
Graham, Arnold W.	Lewis and Clark
Gresser, Arnold G.	Custer
Hammond, Roger Clark	Cascade
Hancock, John Richard	Pondera
Harrington, Robert J.	Missoula
Haugland, Harold Peter	Gallatin
Hodge, Wilbur L .	Silver Bow
Hoekstra, Douglas C.	Fergus
Hogan, Paul E.	Gallatin
Hogue, Thomas E.	Fergus
Hook, Russell E .	Beaverhead
Humphrey, Robert Jay	Yellowstone
Ingalls, Walter S.	Fergus
Ingman, Kenneth Russell	Lewis and Clark
Johnson, Neil R.	Missoula
Johnson, Richard B.	Lake
Joslin, Dale E.	Richland
Kambic, Joseph R.	Silver Bow
Kerr, Lester P.	Broadwater
Kerr, Ray Dale	Gallatin
Ketchingman, Robert W.	Madison
Kibler, Linn E.	Missoula
Kiepke, Harold	Hill
Kile, George Dean	Hill
Lake, Frank N.	Cascade
Lease, Gene Henry	Teton
Leibrand, George S.	Flathead
Line, George L.	Flathead
Luckenbill, Ray Frank	Toole
Lutz, William Hubert	Toole
Mason, Walter Edward	Cascade
Matson, Gary E.	Yellowstone
Mattheis, Frederick Henry	Stillwater
McConkey, Gerald J.	Cascade
McCormick, Robert E., Jr	Cascade
McCune, Robert R.	Missoula
Melzer, Ernest J.	Blaine
Merritt, William J.	Missoula
Milleson, Hugh P.	Sanders

Monforton, Eugene P.	Gallatin
Mozer, Robert Ardell	Toole
Nemitz, Marvin D.	Dawson
Nielsen, Arild Christian	Missoula
Norris, Clifford E.	Flathead
Notbohm, Earl R.	Lewis and Clark
Oliver, Carl Duane	Mineral
Ostrom, Alva C.	Flathead
Osweiler, Eugene J.	Cascade
Parker, Herbert F.	Missoula
Parker, Ronald E.	Lincoln
Pepion, Aloysius, Jr.	Glacier
Phillips, Frank Frederick	Toole
Plotzki, Raphael	Missoula
Pope, Charles Edward	Flathead
Przybysz, Alexander P.	Rosebud
Queen, Ralph H .	Yellowstone
Rachou, Frank P.	Yellowstone
Rae, George William	Musselshell
Redd, Mark	Roosevelt
Reevis, Herbert J.	Glacier
Robinson, Marvin L.	Valley
Robinson, Wilbur J.	Yellowstone
Robson, Donald G.	Musselshell
Rockwell, Clyde T.	Silver Bow
Rule, Joseph T.	Silver Bow
Saloway, Aldin B.	Lake
Schlegel, Charles B.	Flathead
Seamster, James D.	Yellowstone
Sellickson, Leonard R.	Dawson
Sercel, Tony, Jr.	Musselshell
Simpson, Homer I.	Hill
Smith, George R.	Jefferson
Smith, Lewis B.	Silver Bow
Smith, Robert L.	Yellowstone
Snell, Delbert R.	Blaine
Sollars, Joseph Ray	Custer
Stash, Rayond Earl	Judith Basin
Taasevigen, Edward Gerald	Richland
Taggart, Edward John	Gallatin
Tallwhiteman, Clare	Rosebud
Thomas, Alfred William Clement	Ravalli
Verbanac, Carl Joseph	Silver Bow
Voermans, Jake Neil	Flathead
Wagner, Theodore A.	Flathead
Ward, Norman L.	Pondera
Warrior, Rufus C., Jr	Blaine
West, Willis Nelce	Cascade
White, Robert J.	Musselshell
Wilson, Hugh C.	Cascade
Wing, William	Silver Bow

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor and the Montana Congressional Delegation.

Adopted April 3, 2023

HOUSE JOINT RESOLUTION NO. 18

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF REMEDIATION WORK AT THE SMURFIT-STONE MILL SITE, INCLUDING A CONSIDERATION OF FUTURE ACTIONS.

WHEREAS, the Constitution of the State of Montana holds that the state and each person shall maintain and improve a clean and healthful environment in the state for present and future generations; and

WHEREAS, the 3,200-acre Smurfit-Stone mill site operated as a kraft pulp and paper mill from 1957 to 2010, producing as much as 1,900 tons of bleached kraft pulp per day, pumping 16 million gallons of water a day from the aquifer, discharging wastewater directly into the Clark Fork River or through seepage in 900 acres of wastewater treatment ponds, generating over 54 tons of contaminated sludge per day, storing industrial waste and sludge in unlined repositories in the floodplain, and altering the flow of the Clark Fork River with berms along 3.6 miles of riverbank; and

WHEREAS, the Environmental Protection Agency surveyed 104 bleaching kraft mills in the United States, including the Smurfit-Stone mill site, and found sludge and wastewater from these mills to contain dioxins and furans; and

WHEREAS, the Smurfit-Stone mill site is being investigated under the federal Comprehensive Environmental Response, Compensation, and Liability Act through the Superfund process under an administrative order of consent due to contaminants of concern, including dioxins, furans, and polychlorinated biphenyls; and

WHEREAS, the Frenchtown Community Advisory Group has advocated for increased sampling and analysis of health impacts to the community, voicing concern over currently inadequate risk analysis; and

WHEREAS, the Montana sport fish consumption guidelines published "Do Not Consume" guidance for fish in the Clark Fork River due to dioxins, furans, and polychlorinated biphenyls; and

WHEREAS, abandoned industrial waste depositories, landfills, sludge, and berms would not be permitted or authorized today; and

WHEREAS, the berms holding back waste are not engineered, do not keep contamination from the Clark Fork River, are susceptible to large floods, and heighten risk to downstream communities; and

WHEREAS, the Smurfit-Stone mill was historically an economic driver of Frenchtown; and

WHEREAS, a full cleanup of the waste repositories, berms, and site could return the mill site to full commercial use; and

WHEREAS, the state is invested in a clean and healthful environment, economically viable communities, and a full cleanup of the Smurfit-Stone mill site.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate the environmental quality council to:

(1) examine past and ongoing investigations into the extent of contamination at the Smurfit-Stone mill site, assessment of risks to human health and the environment, and proposed options for cleanup;

(2) examine the creation, implementation, and ongoing operation of the Libby asbestos superfund oversight committee and related statutes pursuant to Title 75, chapter 10, part 16, as a possible model for state involvement; and

(3) offer recommendations, if any, to ensure full cleanup of the mill site, mitigation of risks to downstream communities, determination of impacts to the state fishery, restoration of the floodplain, and rehabilitation of the mill site as an economic driver for the Frenchtown community.

BE IT FURTHER RESOLVED, that the examination include all agencies, stakeholders, community members, and property owners involved or responsible for site remediation.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by the environmental quality council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,

comments, or recommendations of the environmental quality council, be reported to the 69th Legislature.

Adopted May 1, 2023

House Resolutions

HOUSE RESOLUTION NO. 1

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE HOUSE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following House Rules be adopted:

RULES OF THE MONTANA

HOUSE OF REPRESENTATIVES

CHAPTER 1

Administration

H10-10. House officers -- definitions. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority leaders, and majority and minority whips.

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

(3) (a) "Majority leader" means the leader of the majority party, elected by the caucus.

(b) "Majority party" means the party with the most members, subject to subsection (4).

(c) "Minority leader" means the leader of the minority party, elected by the caucus.

(d) "Minority party" means the party with the second most members, subject to subsection (4).

(4) If there are an equal number of members of the two parties with the most members, then the majority party is the party of the Speaker and the minority party is the other party with an equal number of members.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, decorum, and the interpretation and enforcement of rules in all House deliberations.

(2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms to clear the aisles and seat the members of the House so that business may be conducted in an orderly manner.

(3) Signs, placards, visual displays, or other objects of a similar nature are not permitted in the rooms, lobby, gallery, or on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in case of disturbance or disorderly conduct.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals, subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-130.

(6) The Speaker is the chief officer of the House, with authority for all House employees.

(7) The Speaker may name any member to perform the duties of the chair. If the House is not in session and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the House to order and preside during the Speaker's absence.

(8) Upon request of the Minority Leader, the Speaker will submit a request for a fiscal note on any bill.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House. Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall, in the absence or inability of the Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations of the House and shall perform other duties and exercise other responsibilities as may be assigned by the Speaker.

H10-50. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

(1) being the lead speaker for the majority party during floor debates;

(2) helping the Speaker develop the calendar;

(3) assisting the Speaker with program development, policy formation, and policy decisions; and

(4) presiding over the majority caucus meetings; and

(5) other duties as assigned by the caucus.

H10-60. Majority Whip. The duties of the majority whip may include but are not limited to:

(1) assisting the majority leader;

(2) ensuring member attendance;

(3) counting votes;

(4) generally communicating the majority position; and

(5) other duties as assigned by the caucus.

H10-70. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

(1) developing the minority position;

(2) negotiating with the majority party;

(3) directing minority caucus activities on the chamber floor;

(4) leading debate for the minority; and

(5) other duties as assigned by the caucus.

H10-80. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

(1) assisting the minority leader on the floor;

(2) counting votes;

(3) ensuring attendance of minority party members; and

(4) other duties as assigned by the caucus.

H10-90. Employees. (1) The Speaker shall appoint a Chief Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to confirmation of the House.

(2) The Speaker shall employ necessary staff or delegate that function to the employees designated in subsection (1).

(3) The secretary for a standing or select committee is generally responsible to the committee chair but shall work under the direction of the Chief Clerk.

(4) The Speaker and majority and minority leaders may each appoint an assistant.

H10-100. Chief Clerk's duties. The Chief Clerk, under the supervision of the Speaker, is the chief administrative officer of the House and is responsible to:

(1) supervise all House employees;

(2) have custody of all records and documents of the House;

(3) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and arrange to have them printed on archival paper and copied in an electronic format within a reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy will be delivered to the Montana Historical Society.

H10-110. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall:

(1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

(2) be present whenever the House is in session and at any other time as directed by the presiding officer;

(3) execute the commands of the House and serve the writs and processes issued by the authority of the House and directed by the Speaker;

(4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties and who have the same authority, subject to the control of the Speaker;

(5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior to the convening of each session of the House;

(6) bring in absent members when so directed under a call of the House;

(7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance with H20-70;

(8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;

(9) supervise the doorkeeper; and

(10) supervise the pages.

H10-120. Legislative interns. (1) A legislative intern is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative intern a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative intern in the same session without the approval of the House Rules Committee.

(3) A legislative intern must be of legal age unless otherwise approved by the House Rules Committee.

(4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative interns. The cost must be paid by the sponsoring representative.

H10-140. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and

(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required for the publication of the daily journal.

(4) Any representative may examine the daily journal and propose corrections. The Speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session.

(6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

H10-150. Votes recorded and public. Every vote of each representative on each substantive question in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

H10-160. Duration of legislative day. A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier. (See Joint Rule 10-20.)

CHAPTER 2

Decorum

H20-10. Addressing the House -- recognition. (1) When a member desires to speak to or address any matter to the House, the member should rise and respectfully address the Speaker or the presiding officer.

(2) The Speaker or presiding officer may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?" and may then decide if recognition is to be granted, except that the Speaker or presiding officer shall always recognize the Speaker pro tempore, the majority leader, or the minority leader.

H20-20. Questions of order and privilege -- appeal -- restrictions -- definitions. (1) The Speaker shall decide all questions of order and privilege and decisions of recognition, subject to an appeal by any representative, seconded by two representatives, to the House for determination by majority vote. The question on appeal is, "Shall the decision of the chairman be sustained?".

(2) Responses to parliamentary inquiries may not be appealed.

(3) Questions of order and privilege, in order of precedence, are:

(a) those affecting the collective rights, safety, dignity, and integrity of the House; and

(b) those affecting the rights, reputation, and conduct of individual representatives.

(4) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

(5) (a) "Parliamentary inquiry" means a request for information regarding some procedure concerning some questions before the house.

(b) "Questions of order and privilege" means those questions as provided for in subsection (3) that enforce the House rules, maintain the order of the House, and protect the integrity, rights, and privileges of the House and its members.

H20-30. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session. A registered lobbyist is prohibited from the house floor.

H20-40. Admittance to the House floor. (1) The following persons may be admitted to the House floor during a daily session: present legislators and former legislators who are not registered lobbyists; legislative employees necessary for the conduct of the session; registered media representatives; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

H20-50. Dilatory motions or questions -- appeal. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House for a determination by majority vote.

H20-60. Lobbying by employees -- sanctions. (1) A legislative employee or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker may discipline or discharge any House employee violating this prohibition. The Speaker may withdraw the privileges of any House aide violating this prohibition.

H20-70. Papers distributed on desks -- exception. A paper concerning proposed legislation may not be placed on representatives' desks unless it is authorized by a member and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution. This restriction does not apply to material prepared by staff and placed on a representative's desk at the request of the representative.

H20-80. Violation of rules -- procedure -- appeal. (1) If a member, in speaking or otherwise, violates the rules of the House, the Speaker shall, or the majority or minority leader may, call the member to order, in which case the member called to order must be seated immediately.

(2) The member called to order may move for an appeal to the House and if the motion is seconded by two members, the matter must be submitted to the House for determination by majority vote. The motion is nondebatable.

(3) If the decision of the House is in favor of the member called to order, the member may proceed. If the decision is against the member, the member may not proceed.

(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. Censure consists of an official public reprimand of a member for inappropriate behavior. The House shall act upon the recommendation of the Committee.

CHAPTER 3

Committees

H30-05. Interim committee appointments. (1) The Speaker shall, with the approval of the House by a majority vote, appoint the membership of interim committees no later than 10 legislative days before the scheduled 90th legislative day or 3 legislative days prior to adjournment sine die if before the 90th legislative day.

(2) A change by the Speaker of an interim committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(3) (a) As provided in subsection (3)(b), the House may change the membership of any interim committee by a three-fifths vote of the members present and voting on 3 legislative days' notice.

(b) A member under Order of Business No. 9 may move that specified changes be made to the membership of any interim committee, with the vote 3 legislative days from the day the motion was made.

H30-10. House standing committees -- appointments -- classification. (1) (a) (i) The Speaker shall determine the total number of members and after good faith consultation with the minority leader shall, with the approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing committees.

(ii) A change by the Speaker of a standing committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(b) The minority leader shall designate a minority vice chair for each standing committee.

(2) The standing committees of the House are as follows:

(a) class one committees:

(i) Appropriations;

(ii) Business and Labor;

(iii) Human Services;

(iv) Judiciary;

(v) State Administration; and

(vi) Taxation;

(b) class two committees:

(i) Education;

(ii) Energy, Technology, and Federal Relations;

(iii) Natural Resources; and

(iv) Transportation;

(c) class three committees:

(i) Agriculture;

(ii) Fish, Wildlife, and Parks; and

(iii) Local Government; and

(d) on call committees:

(i) Ethics;

(ii) Rules; and

(iii) Legislative Administration.

(3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(4) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

(5) There will be six subcommittees of the Committee on Appropriations, Education, General Government, Health and Human Services, Natural Resources and Transportation, Judicial Branch, Law Enforcement, and Justice, and Long-Range Planning. Each member serving on the Appropriations Committee must be appointed to at least one of the subcommittees.

(6) The Speaker shall give notice of each appointment to the Chief Clerk for publication.

(7) (a) The Speaker may, in the Speaker's discretion or as authorized by the House, create and appoint select committees, designating the chairman and vice chairman of the select committee with the approval of the House by a majority vote. Select committees may request or receive legislation in the same manner as a standing committee and are subject to the rules of standing committees.

(b) If a bill is heard in a select committee, it must be referred to a standing committee. The select committee shall report findings to the standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the committee of the whole.

(c) A change by the Speaker of select committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(8) (a) The Speaker shall appoint all conference, select, and special committees with the advice of the majority leader and minority leader and with the approval of the House by a majority vote.

(b) A change by the Speaker of a conference, select, or special committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any committee by a three-fifths vote of the members present and voting on 3 legislative days' notice as provided in subsection (9)(a)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 3 legislative days from the day the motion was made.

(b) (i) The House may change the membership of a conference committee by a three-fifths vote of the members present and voting on 2 legislative days' notice as provided in subsection (9)(b)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 2 legislative days from the day the motion was made.

(10) (a) Except as provided for in subsection (10)(b), a standing, conference, select, or special committee may not report a bill or action out of the committee prior to the approval of the committee membership by the House in accordance with this section.

(b) The House Appropriations standing committee may report a bill or action out of committee prior to the approval of the committee membership by the House in accordance with this section.

H30-20. Chairman's duties. (1) The principal duties of the chairman of standing or select committees are to:

(a) preside over meetings of the committee and to put all questions;

(b) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200;

(c) maintain order and decide all questions of order subject to appeal to the committee;

(d) supervise and direct staff of the committee;

(e) have the committee secretary keep the official record of the minutes;

(f) sign reports of the committee and submit them promptly to the Chief Clerk;

(g) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2); and

(h) inform the Speaker of committee activity.

(2) With the exception of the House Appropriations subcommittees, a subcommittee of a standing committee may be appointed by the chairman

of the committee. The chairman of the standing committee shall appoint the chairman of the subcommittee.

H30-30. Quorum -- officers as members. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The Speaker, the majority leader, and the minority leader are ex officio, nonvoting members of all House committees. They may count toward establishing a quorum.

H30-40. Meetings -- purpose -- notice -- minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) (a) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee.

(b) A committee, through motion, may schedule a bill within the possession of the committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting must be considered excused to attend business of the House subject to a call of the House.

(6) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members present, excused, or absent;

(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes;

(f) references to the recording log, sufficient to serve as an index to the original recording; and

(g) testimony and exhibits submitted in writing.

H30-50. Procedures -- absentee or proxy voting -- member privileges. (1) The chairman shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not take up referred legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has

given written consent. The chairman shall attempt to not schedule Senate bills while the Senate is in session.

(3) (a) Subject to H30-60 and subsection (3)(b), the committee shall act on each bill in its possession and that has had a hearing prior to the last legislative day before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) Except as provided in subsection (3)(c), at the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a bill may be withdrawn by the sponsor without a hearing. A bill may not be reported from a committee without a hearing.

(c) A bill may not be withdrawn by the sponsor after a hearing.

(4) The committee may not report a bill to the House without recommendation.

(5) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar. A tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill is recommended as "do pass" or "do not pass", does not result in the matter passing out to the whole House for consideration without recommendation.

(6) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all substantive changes; and

(d) a fiscal note, if required and available.

(7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the House that are formally adopted when the committee report is accepted by the House.

(8) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting. Standing and select committees may by a majority vote of the committee authorize members to vote by proxy if absent, while engaged in other legislative business or when excused by the presiding officer of the committee due to illness or an emergency. Authorization for absentee or proxy voting must be reflected in the committee minutes.

(10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

(11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

(13) (a) Except as provided in subsection (13)(b), legislation requested by a committee requires three-fourths of all members of the committee to

vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

(b) The House Appropriations committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(14) The chairman shall decide points of order.

(15) The privileges of committee members include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chairman;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy if authorized pursuant to subsection (9), using a standard form or through the vice chairman or minority vice chairman.

(16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

(17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(18) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the House are applicable except as stated in the House Rules.

H30-60. Public testimony -- decorum -- time restrictions. (1) Subject to Joint Rule 30-05, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list.

(2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but all witnesses must be encouraged to submit a statement in writing for the committee's official record.

(3) The chairman may order the committee room cleared of visitors if there is disorderly conduct. During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshal. The chairman shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is allowed only at the discretion of the chairman.

CHAPTER 4

Legislation

H40-10. Introduction deadlines. If a representative accepts drafted legislation from the Legislative Services Division after the deadline for preintroduction, the representative may not introduce that legislation after 2 legislative days from the time the bill was accepted from the Legislative Services Division.

H40-20. House resolutions. (1) A House resolution is used to adopt or amend House rules, make recommendations on the districting and

apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. A House resolution may be requested and introduced at any time. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted by the Chief Clerk for the record on Order of Business No. 10.

H40-40. Introduction -- receipt -- messages from Senate and elected officials. (1) During a session, proposed House legislation may be introduced in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt by the House for purposes of applying time limits contained in the House rules. All legislation may be referred to a committee prior to being read across the rostrum as provided in H40-50.

(4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages received from the Senate or elected officials are subject to all other rules.

H40-50. First reading -- receipt of Senate legislation. Legislation properly introduced or received in the House must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a representative may question adherence to rules. Acknowledgment by the Chief Clerk of receipt of legislation transmitted from the Senate commences the time limit for consideration of the legislation. All legislation received by the House may be referred to a committee prior to being read across the rostrum.

H40-60. One reading per day -- exception. Except on the final legislative day, legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.

H40-70. Referral. (1) The Speaker shall refer to a House committee, joint select committee, or joint special committee all properly introduced House legislation and transmitted Senate legislation in conformity with the House Rules Appendix and within 2 legislative days of introduction or transmission.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee, joint select committee, or joint special committee.

H40-80. Rereferral -- Appropriations Committee rereferral -- normal progression. (1) Legislation that is in the possession of the House and that has not had a House hearing in the currently assigned House committee may be rereferred to a House committee in accordance with the House Rules Appendix, by House motion approved by a majority of the members present and voting.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations Committee and is reported from committee without amendments may be placed on third reading.

(b) Prior to being placed on third reading, legislation rereferred must be sent to be processed and reproduced as a third reading version and specifically marked as having been passed on second reading and rereferred to the House Appropriations Committee and reported from the committee without amendments.

(3) (a) The normal progress of legislation through the House consists of the following steps in the order listed: introduction; referral to a standing or select committee; a report from the committee; second reading; and third reading.

(b) A motion to remove legislation from its normal progress through the House as provided in subsection (3)(a) by House motion must be approved by no fewer than 55 of the members present and voting.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee after a committee hearing on the legislation by House motion approved by no fewer than 55 of the members present and voting.

H40-100. Standing committee reports -- requirement for rejection of adverse committee report. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by a majority of the members voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

H40-110. Consent calendar procedure. (1) Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(b) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.

(2) Other legislation may be placed on the consent calendar by agreement between the Speaker and the minority leader following a positive recommendation by a standing committee. The legislation must be sent to be

processed as a second reading version but must be specifically announced and posted as a "consent calendar" item.

(3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

(4) If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda, as separately noted on the agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must be appropriately printed prior to transmittal.

H40-120. Legislation requiring other than a majority vote. Legislation that requires other than a majority vote for final passage needs only a majority vote for any action that is taken prior to third reading and that normally requires a majority vote.

H40-130. Amending House second and third reading agendas -- vote requirements. (1) A majority of representatives present may rearrange or remove legislation from either the second or third reading agenda on that legislative day.

(2) (a) Legislation reported out of committee may be added to the second reading agenda on that legislative day on a motion approved by a majority of the members present and voting.

(b) Legislation reported out of the Committee of the Whole may be added to the third reading agenda on 1 day's notice on a motion approved by a majority of the members present and voting.

H40-140. Second reading -- timing -- obverse vote on failed motion -- status of amendments -- rejection of report -- segregation. (1) Legislation returned or withdrawn from committee by motion must be placed on second reading prior to the transmittal deadlines provided for in Joint Rule 40-200 that are applicable to each piece of legislation.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is reported from committee and the time it is considered on second reading.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the

Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, and must be acted on by the Committee of the Whole by the next legislative day unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on segregated legislation remain adopted unless reconsidered pursuant to H50-170 or unless the legislation is rereferred to a committee.

H40-150. Amendments in the Committee of the Whole -- timing -- official records. (1) All Committee of the Whole amendments must be prepared by the Legislative Services Division and checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks or electronically posted or sent to the members prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

H40-160. Motions in the Committee of the Whole -- quorum required. (1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

(a) recommend passage or nonpassage;

(b) recommend concurrence or nonconcurrence (Senate amendments to House legislation);

(c) amend;

(d) reconsider as provided in H50-170;

(e) pass consideration;

(f) call for cloture;

(g) change the order in which legislation is placed on the agenda; and

(h) rise, rise and report, or rise and report progress and beg leave to sit again.

(2) Subsections (1)(d) through (1)(f) and (1)(h) are nondebatable but may be amended. Once a motion under subsection (1)(a) or (1)(b) is made, a contrary motion is not in order.

(3) The motions listed in subsection (1) may be made in descending order as listed.

(4) If a quorum of representatives is not present during second reading, the Committee of the Whole may not conduct business on legislation and a motion for a call of the House without a quorum is in order.

H40-170. Limits on debate in the Committee of the Whole. (1) Except as provided in H40-180, a representative may not speak more than once on the motion and may speak for no more than 5 minutes. The representative who makes the motion may speak a second time for 5 minutes in order to close.

(2) (a) Except as provided in subsection (2)(b), after at least two proponents and two opponents have spoken on a question and 30 minutes have elapsed from the point in time that the sponsor's opening remarks on the motion end and debate on the motion begins, a motion to call for cloture is in order.

(b) (i) The 30-minute tolling requirement for a cloture motion made pursuant to subsection (2)(a) does not include time spent on floor debate of a substitute motion to amend the original question.

(ii) Each substitute motion to amend the original question is subject to a cloture motion and the cloture requirements provided for in this rule.

(iii) Once a substitute motion to amend is dispensed with and there are no other substitute motions to amend, the 30-minute tolling requirement for the original question pursuant to subsection (2)(a) resumes from the point in time in which the first substitute motion to amend was made.

(c) Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the majority leader and the minority leader:

(a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;

(b) a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

H40-180. Special provisions for debate on the general appropriations bill -- sections -- amendments. (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute speaking limitation.

(2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A subcommittee chairman is not subject to the 5-minute speaking limitation.

(3) After the presentation by the subcommittee chairman, the respective section of the bill is open for debate, questions, and amendments. A proposed amendment to the general appropriations act may not be divided.

(4) An amendment that affects more than one section of the bill must be offered when the first section affected is considered.

(5) Following completion of the debate on each section, that section is closed and may not be reopened except by majority vote.

(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

(7) Debate on the motion to reopen a section is limited to the question of reopening the section. The amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining the amendment to be considered.

H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for engrossing.

(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it must be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing and must be placed on third reading on the legislative day after receipt. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill. (See Joint Rule 40-150.)

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and joint resolutions passing second reading must

be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-210. Senate legislation in the House. Senate legislation properly transmitted to the House must be treated as House legislation.

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate. The Speaker may, with the approval of the House, rerefer House legislation with Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in the House legislation. The second reading vote is limited to consideration of the Senate amendments.

(2) If the House accepts Senate amendments, the House shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the House rejects the Senate amendments, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee.

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, H50-160.

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation within 1 day of receipt of the correctly enrolled legislation unless the bill sponsor concurs to delay the signing of the enrolled legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation. (See Joint Rule 40-160.)

H40-250. Governor's amendments. (1) (a) When the Governor returns a bill with recommended amendments, the House shall announce the amendments under Order of Business No. 5.

(b) The Governor's amendments must be placed on the second reading agenda for consideration by the Committee of the Whole or may be assigned to a committee in accordance with the House Rules Appendix for a recommendation of adoption or rejection of the Governor's amendments.

(2) The House may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is obtained.

H40-260. Governor's veto. (1) When the Governor returns a bill with a veto, the House shall announce the veto under Order of Business No. 5.

(2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 5

Floor Actions

H50-10. Attendance -- excuse -- call of the House. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebatable, may not be amended, and is resolved by a roll call.

(3) The House may not conduct business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by a successful motion to adjourn for the day or by two-thirds of the representatives present and voting.

H50-50. Leave with cause during call of the House. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker, with the approval of a majority of representatives present, may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast an absentee vote.

H50-60. Opening and order of business. The opening of each legislative day must include an invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is as follows:

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Senate;
(5) messages from the Governor;
(6) first reading and commitment of bills;
(7) second reading of bills;
(8) third reading of bills;
(9) motions;
(10) unfinished business;
(11) special orders of the day; and
(12) announcement of committee meetings.

H50-65. Request to move to any order of business. (1) Except as provided in subsection (2), the Speaker pro tempore, the majority leader, or the minority leader may request that the House move to any order of business at any time.

(2) If the House has resolved itself into the Committee of the Whole under Order of Business No. 7, a representative may not request that the House move to any order of business.

H50-70. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required.

(3) Absentee votes are not allowed on votes that are specified as "representatives present and voting".

(4) The majority leader shall make routine procedural motions required to conduct the business of the House.

H50-80. Limits on debate of debatable motions. (1) Except for the representative who places a debatable motion before the body, no representative may speak more than once on the question unless a unanimous House consents. The representative who places the motion may close.

(2) No representative may speak for more than 10 minutes on the same question, except that a representative may have 5 minutes to close.

H50-90. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) to adjourn pursuant to H50-250;
(b) for a call of the House;
(c) to recess or rise;
(d) for parliamentary inquiry;
(e) to table or take from the table;
(f) to call for the previous question or cloture;
(g) to amend a nondebatable motion;
(h) to divide a question;
(i) to suspend the rules;
(j) all incidental motions, such as motions relating to voting or of a general procedural nature;
(k) to appeal a call to order;
(l) to question the lack of a quorum pursuant to H50-20; and
(m) to change a vote pursuant to H50-210.

H50-100. Questions. A representative may, through the presiding officer, ask questions of another representative during a floor session. There is no limit on questions and answers, except as provided in H20-50.

H50-110. Amending motions -- limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.

H50-120. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

(a) to adjourn (nondebatable H50-90 and H50-250);

(b) for a call of the House (nondebatable H50-90);

(c) to recess or rise (nondebatable H50-90);

(d) for a question of privilege;

(e) to table (nondebatable H50-90);

(f) to call for the previous question or cloture;

(g) to postpone consideration to a day certain;

(h) to refer to a committee; and

(i) to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) (a) Except as provided in subsection (3)(b), no more than one substitute motion is in order at any one time.

(b) A motion for cloture is in order on a substitute motion to amend.

H50-130. Withdrawing motions. A representative who proposes a motion may withdraw it before it is voted on or amended.

H50-140. Dividing a question. Except as provided in H40-180(3), a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed. The request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair may be appealed as provided in H50-160(11) or (13) and H70-50. For an appeal of a ruling of the presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?".

H50-150. Previous question -- close. (1) If a majority of representatives present and voting adopts a motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the question.

(2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

H50-160. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the Montana Constitution (two-thirds);

(5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths);

(6) a motion to temporarily suspend a joint rule governing the procedure for handling bills pursuant to Joint Rule 60-10(2) (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto pursuant to H40-260 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(2) a motion to lift a call of the House pursuant to H50-30(3) (two-thirds);

(3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-90 approved by no fewer than 55 of the members;

(4) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);

(5) a motion to change a vote pursuant to H50-210 (unanimous);

(6) a motion to call for cloture pursuant to H40-170(2) (two-thirds);

(7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(8) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);

(9) a motion to record a vote pursuant to H50-200(2) (one representative);

(10) a motion to record a vote in the journal (two representatives);

(11) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three representatives);

(12) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);

(13) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-10(9) approved by three-fifths of the members;

(14) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee pursuant to H70-50 (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature).

H50-170. Reconsideration -- time restriction. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider is limited to two proponents and two opponents to the motion and the debate may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(3) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(4) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

(6) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

(7) There may be only one reconsideration vote on a specific issue on a legislative day.

H50-180. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-190. Tabling. (1) Under Order of Business No. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-200. Voting -- conflict of interest -- present by electronic means. (1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

(4) A member who is present shall vote unless the member has disclosed a conflict of interest to the House.

(5) A member may be present for a vote by electronic means, with the permission of the speaker.

H50-210. Changing a vote -- consent required. (1) A representative may move to change the representative's vote within 1 legislative day of the vote. The motion is nondebatable. The motion must be made on Order of Business No. 9, motions. All of the members present and voting are required to consent to the change in order for it to be effective.

(2) The representative making the motion shall first specify the bill number, the question, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation.

(3) A vote change must be entered into the journal as a notation that the member's vote was changed. The original printed vote will not be reprinted to reflect the change.

(4) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-220. Absentee votes -- restrictions. (1) An excused representative may file an absentee vote authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

(2) An excused representative shall sign an absentee vote authorization form that specifies the motion and the desired vote.

(3) The absentee vote authorization form must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The absentee vote authorization may be revoked before the vote by the member who signed the authorization.

(5) Absentee voting is not allowed on third reading or on motions specified as present and voting pursuant to H50-70.

H50-230. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

H50-240. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. Subject to Article V, section 10(5), of the Montana Constitution, a representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

CHAPTER 6

Motions

H60-10. Proposal for consideration. (1) Every question presented to the House or a committee must be submitted as a definite proposition.

(2) A representative has the right to understand any question before the House and, under the authority of the presiding officer, may ask questions to exercise this right.

(3) Except as provided in H50-160 or as specifically provided for in these House Rules, a majority vote of representatives voting is necessary for a motion or question to pass.

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

(1) to adjourn;

(2) for a call of the House;

(3) to recess or rise;

(4) for parliamentary inquiry;

(5) to table or to take from the table;

(6) to call for the previous question or for cloture;

(7) to amend a nondebatable motion;

(8) to divide a question;

(9) to suspend the rules; and

(10) all incidental motions, such as motions relating to voting or of a general procedural nature.

H60-30. Motions allowed during debate. (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

(a) to adjourn;

(b) for a call of the House;

(c) to recess or rise;

(d) for a question of privilege;

(e) to table or take from the table;

(f) to call for the previous question or cloture;

(g) to postpone consideration to a day certain;

(h) to refer or rerefer; and

(i) to propose amendments.

(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

(3) Only one substitute motion is in order at any time.

H60-40. Motions to adjourn or recess. (1) A motion to adjourn or recess is always in order, except:

(a) when the House is voting on another motion;

(b) when the previous question has been ordered and before the final vote;

(c) when a member entitled to the floor has not yielded for that purpose; or

(d) when business has not been transacted after the defeat of a motion to adjourn or recess.

(2) A motion to adjourn sine die pursuant to H50-250 is subject to Article V, section 10(5), of the Montana Constitution.

(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to reconsider.

H60-50. Motion to table. (1) A motion to table, if carried, has the effect of postponing action on the proposition to which it was applied until superseded by a motion to take from the table.

(2) After a vote on a motion to table is carried or fails, the motion cannot be reconsidered.

(3) A motion to table is not in order after the previous question has been ordered.

H60-60. Motion to postpone. A motion to postpone to a day certain may be amended and is debatable within narrow limits. The merits of the proposition that is the subject of the motion to postpone may not be debated.

H60-70. Motion to refer. When a motion is made to refer a subject to a standing committee or select committee, the question on the referral to a standing committee must be put first.

H60-80. Terms of debate on motion to refer or rerefer. (1) A motion to refer or rerefer is debatable within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

(2) A motion to refer or rerefer with instructions is fully debatable.

H60-100. Moving the previous question after a motion to table. (1) If a motion to table is made directly to a main motion, a motion for the previous question is not in order.

(2) If an amendment to a main motion is pending and a motion to table is made, the previous question may be called on the main motion, the pending amendment, and the motion to table the amendment.

H60-105. Motion to direct standing, select, special, or conference committee action. A representative may move that the House direct a standing, select, special, or conference committee take an action of:

(1) scheduling a bill in the committee's possession for a hearing and public testimony on a date certain; or

(2) acting on a bill, Governor's amendments, or Senate amendments in the committee's possession by a date certain.

H60-110. Standard motions. The following are standard motions:

(1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration House Bill ___, that it recommend the same (do pass)/(do pass as amended)/(do not pass)."

(2) moving Senate bills and Senate amendments to House bills, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration Senate Bill ___/Senate amendments to House Bill ___, that it recommend the same (be concurred in)/(be not concurred in)."

(3) Committee of the Whole floor amendments, "Mister/Madam Chairman, I move that House Bill___/Senate Bill ___ be amended and request that the amendment be posted and deemed read."

(4) introducing visitors, "Mister/Madam Speaker/Chairman, I request that we be off the record and out of the journal."

(5) changing a vote, "Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ___ from (yes/no) to (yes/no). The question on the bill was ( ) with a vote tally of ____ for and ____ against."

(6) question another representative, "Mister/Madam Speaker/Chairman, would Representative ___ yield to a question?"

CHAPTER 7

Rules

H70-10. House rules -- amendment -- report timing. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules and joint rules.

(4) The House Rules Committee shall report all resolutions for House rules and joint rules within 1 legislative day of referral.

H70-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H70-30. Suspension of rules. The House may suspend a House rule on a motion approved by not less than two-thirds of the members voting.

H70-40. Supplementary rules. Mason's Manual of Legislative Procedure (2010) governs House proceedings in all cases not covered by House rules.

H70-50. Interpreting rules -- appeal. The Speaker shall interpret all questions on House rules, subject to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation to fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the next legislative day. The decision of the House Rules Committee may be appealed to the House by any representative.

H70-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

Appendix

(1) Except as provided in subsections (2) through (4), legislation dealing with an enumerated subject must be referred to a standing committee as follows:

Agriculture: Agriculture; country of origin labeling for products; crops; crop insurance; farm subsidies; fuel produced from grain; grazing (other than state land leases); irrigation; livestock; poultry; and weed control.

Appropriations: Appropriations for the Legislature, general government, and bonding, including supplemental appropriations and the coal severance tax.

Business and Labor: Alcohol regulation other than taxation; associations; corporations; credit transactions; employment; financial institutions; gambling; insurance; labor unions; partnerships; private sector pensions and pension plans; professions and occupations other than the practice of law; salaries and wages; sales; secured transactions; securities regulation other than criminal provisions; sports other than hunting, fishing, and competition water sports; trade regulation; unemployment insurance; the Uniform Commercial Code; and workers' compensation.

Education: Higher education; home schools; K-12 education; religion in schools; school buildings and other structures; school libraries and university system libraries; school safety; school sports; school staff other than teachers; school transportation; students; teachers; and vocational education and training.

Ethics: Ethical standards applicable to members, officers, and employees of the House and ethical standards for lobbyists.

Energy, Technology, and Federal Relations: Energy generation and transmission; Indian reservations; international relations; interstate

cooperation and compacts, except those relating to law enforcement and water compacts; relations with the federal government; relations with sovereign Indian tribes; telecommunications; technology; and utilities other than municipal utilities.

Fish, Wildlife, and Parks: Fish; fishing; hunting; outdoor recreation; parks other than those owned by local governments; relations with federal and state governments concerning fish and wildlife; Virginia City and Nevada City; water sports; and wildlife.

Human Services: Developmentally disabled persons; disabled persons; health; health and disability insurance; housing; human services; mental illness or incapacity; retirement other than pensions and pension plans; senior citizens; tobacco regulation other than taxation; and welfare.

Judiciary: Abortion; arbitration and mediation; civil procedure; constitutional amendments; consumer protection; contracts; corrections; courts; criminal law; criminal procedure; discrimination; evidence; family law; fees imposed by or relating to the court system; guaranty; human rights; impeachment; indemnity; judicial system; landlord and tenant; law enforcement; liability and immunity from liability; minors; practice of law; privacy; property law; religion other than in schools; state law library; surety; torts; and trusts and estates.

Legislative Administration: Interim committees and matters related to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

Local Government: Cities; consolidated governments; counties; libraries and parks owned or operated by local governments; local development; local government finance and revenue; local government officers and employees, local planning; special districts and other political subdivisions, except school districts; towns; and zoning.

Natural Resources: Board of Land Commissioners; dams, except for electrical generation; emission standards; environmental protection; extractive activities; fires and fire protection, except for a local government fire department; forests and forestry; hazardous waste; mines and mining; natural gas; natural resources; oil; pollution; solid waste; state land, except state parks; water and water rights; water bodies and water courses; and water compacts.

Rules: House rules; joint rules; legislative procedure; jurisdictions of committees; and rules of decorum.

State Administration: Administrative rules; arts and antiquities; ballots; elections; initiative and referendum procedures; military affairs; public contracts and procurement; public employee retirement systems; state buildings; state employees; state employee benefits; state equipment and property, except state lands and state parks; state government generally; state-owned libraries other than the state law library; veterans; and voting.

Taxation: Taxes other than fuel taxes.

Transportation: Fuel taxes; highways; railroads; roads; traffic regulation; transportation generally; vehicles; and vehicle safety.

(2) If a select committee is created to address a specific subject, then bills relating to that subject must be assigned to the select committee.

(3) (a) If legislation deals with more than one subject and the subjects are assigned to more than one committee, the bill must be assigned to a class one committee before a class two committee and to a class two committee before a class three committee. If there is a conflict of subjects between the same class of committees, then the bill must be assigned by the Speaker.

(b) If a bill contains substantive provisions dealing with policy and an appropriation, the bill must be referred to the committee with jurisdiction

over the subject addressed in the policy provisions. If the bill is reported from the committee to which it was assigned, the Speaker may rerefer the bill to the Appropriations Committee. The referral must be announced to the House. The rereferral does not require action or approval by the House, but may be overturned by a majority vote.

(4) If a committee chair upon consultation with the vice chair determines that the committee cannot effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing, request the Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee. The reassignments must be announced to the House. The reassignments do not require action or approval by the House, but may be overturned by a majority vote.

Adopted January 4, 2023

HOUSE RESOLUTION NO. 2

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO RECOGNIZE AND SUPPORT THE CENTER FOR ASBESTOS RELATED DISEASE, ALSO KNOWN AS THE CARD CLINIC.

WHEREAS, dangerous asbestos fibers are invisible and cannot be smelled or tasted; and

WHEREAS, the inhalation of airborne asbestos fibers can cause significant damage; and

WHEREAS, asbestos fibers can cause cancer, including lung cancer, mesothelioma, asbestosis, pleural diseases, and other health problems; and

WHEREAS, symptoms of asbestos-related diseases can take between 10 and 50 years to present themselves; and

WHEREAS, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for those diseases; and

WHEREAS, early detection of asbestos-related diseases may give some patients increased treatment options and may improve the prognoses of those patients; and

WHEREAS, although the use of asbestos within the United States has been substantially reduced, the United States continues to import tons of the fibrous mineral each year for use in certain products; and

WHEREAS, thousands of people in the United States have died from asbestos-related diseases and thousands more die every year from those diseases; and

WHEREAS, although individuals continue to be exposed to asbestos, safety measures relating to the prevention of asbestos exposure have significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of those diseases; and

WHEREAS, thousands of workers in the United States face significant asbestos exposure, which has been a cause of occupational cancer; and

WHEREAS, a significant percentage of victims of asbestos-related diseases were exposed to asbestos on naval ships and in shipyards; and

WHEREAS, asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

WHEREAS, legacy asbestos remains a hazard due to vermiculite insulation still found in millions of homes and commercial buildings; and

WHEREAS, people in the small community of Libby, Montana, suffer from asbestos-related cancers and nonmalignant lung diseases, including lung

cancer and mesothelioma, at a significantly higher rate than individuals in the United States as a whole; and

WHEREAS, naturally occurring asbestiform fibers, similar to Libby amphibole, are found throughout the United States; and

WHEREAS, the Center for Asbestos Related Disease is the nation's only dedicated diagnostic treatment facility for illness related to asbestos; and

WHEREAS, the scientific and medical expertise gained at the Center for Asbestos Related Disease, also known as the CARD Clinic, serves as a core asset for those suffering from asbestos-related diseases across the state of Montana and the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

The Center for Asbestos Related Disease is designated as a Center of Excellence in Montana.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Center for Asbestos Related Disease (CARD Clinic).

Adopted March 15, 2023

HOUSE RESOLUTION NO. 3

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA GENERALLY HONORING VIETNAM VETERANS AND SPECIFICALLY HONORING THE MONTANA SERVICEMEN WHO GAVE THEIR LIVES IN THE VIETNAM WAR.

WHEREAS, the United States became actively involved in the conflict between North Vietnam and South Vietnam in 1954 and sent combat forces into battle beginning in 1965 to support its ally South Vietnam; and

WHEREAS, the United States and North Vietnam reached a peace agreement in 1973 ending open hostilities between the two nations; and

WHEREAS, more than 58,000 of our service men and women lost their lives during the Vietnam War paying the ultimate sacrifice for their country; and

WHEREAS, more than 300,000 of our service men and women were wounded during the conflict, many suffering permanent disabilities; and

WHEREAS, our brave service men and women who survived the war often returned to a nation divided by an anti-war movement and the struggles of reintegrating into a changing nation and local community; and

WHEREAS, despite the outcome of the Vietnam War or one's personal opinions on the United States' involvement in the war, the soldiers, sailors, airmen, and Marines who saw duty in Vietnam bravely served our country and are deserving of recognition for their service, including 267 Montanans who lost their lives.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the members of the House of Representatives hereby recognizes and thanks all veterans of the Vietnam War and their families for their sacrifices in service to their country.

BE IT FURTHER RESOLVED, that the members of the House of Representatives acknowledge and honor the following Montana servicemen who made the ultimate sacrifice for our nation in the Vietnam War:

HOME OF RECORD CITY	MEMBER NAME
ABSAROKEE	ROBBINS WILLIAM JAY
ALDER	MAGEE PATRICK JOSEPH

ANACONDA	ANDERSON DAVID ANTHONY
ANACONDA	FLEMING PATRICK JAY
ANACONDA	MCNALLY EUGENE FLOYD
ANACONDA	MOE RONALD JOHN
ANACONDA	STEMBRIDGE WAYLAND DAN
ANACONDA	THOMAS ROBERT JOSEPH
ANTELOPE	SCHMIDT EDMUND JOSEPH
ARLEE	FISHER WILLIAM JOHN
AVON	EDDEN GEORGE EDWARD
BAINVILLE	PICARD MICHAEL W
BELT	SMITH MILTON WARREN
BIG SANDY	HAAKENSEN DAVID ARNOLD
BIG TIMBER	WESTERVELT JOHNNIE BOWEN
BILLINGS	ANDERSON DAVID GEORGE
BILLINGS	ASHALL ALAN FREDERICK
BILLINGS	BOYER CHARLES GOODHUE
BILLINGS	BURKHARDT LARRY JAMES
BILLINGS	BURNS JAMES LYNN
BILLINGS	DERHEIM KENNETH LEE
BILLINGS	GARCIA FRANK JR
BILLINGS	GIFFORD GREGORY ALLEN
BILLINGS	GREENO GERALD THOMAS JR
BILLINGS	GRIFFIN GARY ONEAL
BILLINGS	KERN DOUGLAS DUANE
BILLINGS	MARGRAVE DANIEL W II
BILLINGS	MELNICK STEVEN BERNARD
BILLINGS	PADILLA MICHAEL DAVID
BILLINGS	SNIDER CHARLES CALVIN JR
BILLINGS	TAYLOR WILLIAM EUGENE
BILLINGS	UHREN BERNARD JEFFERY
BILLINGS	ULSTAD DENNIS ELMER
BILLINGS	VOLK BARCLAY LEONARD
BILLINGS	WEAR DENNIS WILLIAM
BILLINGS	WIEST JOHN ROBIN
BILLINGS	WILLIAMS RALPH LEROY
BOZEMAN	CLARK RICHARD DEWYATT
BOZEMAN	DUDLEY CHARLES GLENDON
BOZEMAN	GALLAGHER RAYMOND LEROY
BOZEMAN	HENDERSON HAL KENT
BOZEMAN	OVIATT STEPHEN STANFORD
BOZEMAN	SNYDER JERRY WAYNE
BROCKTON	CHOPPER FRANKLIN DELANO
BROWNING	DOANE MICHAEL LEO
BUSBY	ROWLAND ZACK OSCAR
BUTTE	BABICH RONALD GREGORY
BUTTE	BERCIER KENNETH SANDFORD
BUTTE	CAWLEY ROBERT WILLIAM
BUTTE	DOAN LESTER ALLAN
BUTTE	HELSLEY GREGORY PHILLIP
BUTTE	HENDERSON GREG NEAL
BUTTE	HEVERN RUSSELL JAMES E
BUTTE	HOERNER RAYMOND DALE
BUTTE	HOLTON ROBERT EDWIN
BUTTE	JANHUNEN DANIEL JOHN

BUTTE	KRISKOVICH RAYMOND GEORGE
BUTTE	MURPHY STEVEN PATRICK
BUTTE	ONEILL DANIEL JOHN
BUTTE	PARKER JOSEPH E JR
BUTTE	REECE WESTON HENRY
BUTTE	ROBERTSON MARVIN KENT
BUTTE	ROBERTSON RAYMOND L JR
BUTTE	SATTERTHWAITE RICHARD D
BUTTE	SONSTENG DENNIS WAYNE
BUTTE	WEST KENNETH PETER
BUTTE	ZAHN FLORIAN J
CHARLO	MATTHEISEN JOHN CHARLES
CHINOOK	EWING RONALD ARTHUR
CHOTEAU	DELLWO THOMAS ALBERT
CHOTEAU	HOOD ROGER WILLIAM
CHOTEAU	NORDAHL LEE EDWARD
CHOTEAU	UNDERWOOD JAMES EDWARD
CLYDE PARK	SCHNOBRICH ANTON JOHN
COFFEE CREEK	PETERSON DUANE KENNETH
CONRAD	VANDENACRE HOWARD DANIEL
CORAM	BENSON JOSEPH HENNING
CUSTER	ROGERS JACK
CUT BANK	KULTGEN ALAN JOSEPH
CUT BANK	PETRIE JOHN JAMES
DEER LODGE	HARRIS LEWIS CRAIG
DENTON	BARBER DAVID LYNN
DODSON	APPELHANS RICHARD DUANE
DODSON	HEALY LOUIS GLENN
DODSON	WALSH TRUMAN J
DODSON	WEIGAND PAUL GARY
EUREKA	TALLON DOUGLAS WAYNE
EUREKA	UTTER KEITH EDWARD
FAIRVIEW	JOHNSON CALVIN LEE
FLAXVILLE	MEHLS LELAND MCGEE
FLORENCE	RUMMEL JAMES DOUGLAS
FORSYTH	CHILDERS JOHN KENNETH
FORSYTH	HOWARD WALTER JOHN JR
FORSYTH	PISENO RAYMOND RICHARD JR
FROMBERG	KILWINE RICHARD JAMES
FT BENTON	SWENSGARD WILLIAM ELLING
FT PECK	BROWN ROBERT RAYMOND
GLASGOW	WHETHAM VERNON E
GLASGOW AFB	MILLER GEORGE DANIEL
GLEN	GRASSER ARTHUR
GREAT FALLS	BARTON JIM ALBERT
GREAT FALLS	BIBERDORF DENNIS FLOYD
GREAT FALLS	CHRISTENSEN WILLIAM MURRE
GREAT FALLS	COLE RAYMOND ALLEN
GREAT FALLS	CURL FRANKLIN NEWTON
GREAT FALLS	EHNES RICHARD LEE
GREAT FALLS	ELMORE KENNETH GLENN
GREAT FALLS	FERGUSON RONALD BRUCE
GREAT FALLS	FISH GLENN CHARLES
GREAT FALLS	FLANAGAN RUSSELL DAVID

GREAT FALLS	HENDRICKSON MICHAEL FRANC
GREAT FALLS	HENSLEY MARK ALAN
GREAT FALLS	JOHNSON LYLE ALBERT
GREAT FALLS	JOHNSON WILLIAM MICHAEL
GREAT FALLS	KEGLEY JOE DAVID
GREAT FALLS	KLEMENCIC JOSEPH GORDON
GREAT FALLS	KOJETIN ROGER JOHN
GREAT FALLS	MCCARVEL STEPHEN LEWIS
GREAT FALLS	NELSON STEPHEN CARL
GREAT FALLS	POMEROY ALEXANDER P
GREAT FALLS	RICHARDSON ROGER PAUL
GREAT FALLS	SRB ERVIN RYNOLT JR
GREAT FALLS	WEBSTER CHRISTOPHER C
GREAT FALLS	WILLETT ROBERT VINCENT JR
HAMILTON	DUNBAR DOYLE DANIEL
HAMILTON	VALLANCE DAVID CLARK
HARDIN	BEARY DANIEL WARREN
HARDIN	BIRKLAND WILEY COLE
HARDIN	WOLFE DONALD FINDLING
HARLEM	GREEN ROBERT WILLIAM
HARLOWTON	NELSON LOUIS HOWARD
HATHAWAY	WOODS ALBERT CLARENCE JR
HAVRE	CECH LEROY CHARLES
HAVRE	GARRITY WILLIAM JOHN JR
HAVRE	HINKLE MARK GORDON
HAVRE	NEISS TERRY DUANE
HAVRE	SALYER STANLEY WILLIAM
HAVRE	STENGEM PETER MICHAEL
HELENA	ALLINSON DAVID JAY
HELENA	ANDERSON GEORGE ROLAN
HELENA	BACKEBERG BRUCE BURTON
HELENA	DARCY JAMES LEO
HELENA	DEMPSEY JACK ISHUM
HELENA	FRANK EDWARD ROY SR
HELENA	GROSE THOMAS NEIL
HELENA	STUBE RICHARD HURRELL
HELENA	SUMMERS JON RAY
HELENA	TILLOTSON ROBERT VIRTUS
HELENA	URBAN JOHN ROBERT
HINSDALE	SCHULTZ DANNY CARL
INTAKE	BECKER HARRY MATHIAS
INVERNESS	HAN CHARLES WILLIAM
JOLIET	ELSHIRE TERRY MICHAEL
JORDAN	HINTHER GARY ROGER
KALISPELL	ANDERSON MITCHELL LESTER
KALISPELL	BEST RICHARD JAMES JR
KALISPELL	COTTET DUANE LEE
KALISPELL	DORRIS DAVID WALTER
KALISPELL	ECKSTEIN RODGER DEAN
KALISPELL	JOHNSON RICHARD MICHAEL
KALISPELL	LITTLE WILLIAM GREGORY
KALISPELL	NICHOLS PHILLIP ARTHUR
KALISPELL	ROBINSON TIMOTHY CHARLES
KILA	HARNESS ANTHONY GENE

LAME DEER	LOCHER WALTER NORVEL
LAME DEER	TEETH AUSTIN
LARSLAN	FUHRMAN JAMES FRANCIS
LAUREL	CATON LEONARD ROGER
LAUREL	PICKETT RICHARD DALE
LEWISTOWN	CASEY DENNIS LEE
LEWISTOWN	KUCERA RICHARD RALPH
LEWISTOWN	LIGHT GLEE ROY
LIBBY	BYINGTON STEVEN L
LIBBY	JOHNSON LESTER WESLEY JR
LIBBY	LETCHWORTH EDWARD NORMAN
LIBBY	RAMBO ARTHUR JOHN
LIBBY	WELCH ROBERT EDWARD
LINCOLN	FRAZIER RICHARD BERYL
LIVINGSTON	ANDERSON JACK HERBERT
LIVINGSTON	STOCKBURGER ARTHUR LEE
LIVINGSTON	WOOD ALVY EUGENE
LOGAN	PICKLE JIMMY DEE
MALTA	SCHWARZ LARRY EDWARD
MCALLISTER	HAGL EDWARD JOSEPH
MCLEOD	MARTIN RONALD STEVEN
MELROSE	ARCHER SANFORD KIM
MILES CITY	DERENBURGER RONALD HAL
MILES CITY	MATTOCKS GEORGE ELI
MILES CITY	MURREY TRACY HENRY
MILES CITY	NEIBAUER ALEXANDER DUANE
MILES CITY	YARGER JOHN ROBERT
MISSOULA	BOUCHARD MICHAEL LORA
MISSOULA	BOYER ALAN LEE
MISSOULA	CADWELL ANTHONY BLAKE
MISSOULA	CARROLL ROBERT HUGH
MISSOULA	CRASE LIONEL RUSSELL
MISSOULA	CYR WILLIAM LOUIS
MISSOULA	DUNN DAVID HAMILTON
MISSOULA	FRIED DOUGLAS LAWRENCE
MISSOULA	HAVRANEK MICHAEL WILLIAM
MISSOULA	HUNT JAMES D
MISSOULA	ISAACS DEAN ROBERT
MISSOULA	KENDALL GEORGE PERCY JR
MISSOULA	LANGAUNET BRUCE MAGNUS
MISSOULA	LEHUTA DONALD ALEXANDER
MISSOULA	SANDERS STEVEN ROY
MISSOULA	SLIFKA JOSEPH JOHN JR
MISSOULA	SLUSHER STEVEN
MISSOULA	SMITH GARY MICHAEL
MISSOULA	STEPAN JACOB FRANCIS
MISSOULA	SULLIVAN DAVID PATRICK
MISSOULA	TANNER RONALD RUSSELL
MISSOULA	THATCHER GARY DAVID
MISSOULA	ZIEBARTH DENNIS LEROY
PABLO	COURVILLE ROGER MARVIN
POLSON	GREINER GARY JAMES
POLSON	WESTFALL RICHARD EARL
REDSTONE	NATHE MICHAEL LEO

REEDPOINT	JORDET RONALD GEORGE
RICHEY	LILLIE RICHARD ARTHUR
RICHEY	SAMPSON LESLIE VERNE
RONAN	BAKER JACK MARVIN
RONAN	BARNUM WAYNE ALAN
ROSEBUD	DEITCHLER RUSSELL FLOYD
ROSEBUD	MOOER GARY OWEN
ROSS FORK	SEIDEL DONALD WILLIAM
ROUNDUP	BYFORD GARY D
ROUNDUP	NAASZ LARRY DUANE
SACO	KNUDSON KENNETH MAX
SANDERS	CHAVEZ PAUL EDWARD
SCOBEY	GRAYSON REID ERNEST JR
SCOBEY	JUEL DARRYL RICHARD
SHELBY	JODREY WILLIAM MICHAEL
SHELBY	MILLER BERNHARDT WILLIAM
SIDNEY	MAYES RICHARD LE OTIS
ST IGNATIUS	BRISTOL CLARENCE FRANK
ST IGNATIUS	INCASHOLA JEAN BAPTISTE
ST IGNATIUS	POKERJIM JOSEPH LOUIS
ST IGNATIUS	ROLLINS DALE FRANKLIN
ST IGNATIUS	ZERBST GILBERT LEROY
ST XAVIER	PETERS GEORGE EDWARD JR
STEVENSVILLE	NELSON RAY LAGRANDE
STEVENSVILLE	WANDLER LOUIS JOHN
SUNBURST	GORE JAMES RAYMOND
SUNBURST	KELSO TODD DUANE
TERRY	MILNE RONALD JAMES
THOMPSON FALLS	LAWRENCE DELMAR LEON
THOMPSON FALLS	MCDOUGALL HIMA DUNCAN JR
THOMPSON FALLS	MURPHY JON MICHAEL
THOMPSON FALLS	STEPHENS JAMES WILLIAMS
THREE FORKS	POGREBA DEAN ANDREW
TROUT CREEK	PIRKER VICTOR JOHN
TROUT CREEK	THOMAS ROY STEPHEN
TROY	LOCKWOOD HAROLD SPENCER
TROY	MEYER LEWIS DONALD JR
TROY	PERRY RANDOLPH ALLEN JR
VALIER	ELL ALLEN CHARLES
VALIER	HABETS GREGORY LEE
WHITE SULPHUR SPRINGS	SMITH LARRY MAX
WHITEFISH	KLEIV MANFORD LLOYD
WHITEFISH	STREET DOUGLAS GERALD
WHITLASH	POLK PRESTON WAYNE
WIBAUX	FASCHING LEROY JAMES
WIBAUX	OSTERLOTH JAMES ALLAN
WIBAUX	ZINDA FRANCIS JOHN
WOLF POINT	NAASZ EMIL JOHN
WOLF POINT	STYER MICHAEL EDWARD

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the city council for each city listed above.

Adopted March 29, 2023

HOUSE RESOLUTION NO. 5

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING THE LIFE AND WORK OF CHARLES S. JOHNSON.

WHEREAS, Charles S. Johnson was born in Montana and dedicated his life to observing, documenting, and explaining the state and its people; and

WHEREAS, while the name Charles S. Johnson graced newspaper bylines in the state for nearly half a century over the most important of stories, the dean of Montana journalism always introduced himself as simply, Chuck; and

WHEREAS, one of Chuck's first reporting assignments was covering the 1972 Constitutional Convention where he could not believe his good fortune to have a front row seat to history in the making; and

WHEREAS, his experience with the building of the state constitution became the cornerstone of Chuck's career as the state's longest-serving statehouse reporter; and

WHEREAS, despite his stature and intellect, Chuck never thought he was more important or interesting than anyone he covered. He treated those he encountered with respect and curiosity, be it a U.S. Senator, a governor, or a committee secretary; and

WHEREAS, Chuck's grin and gentle demeanor made him approachable to generations of young journalists who quickly learned that he was generous with his time and knowledge, not just for a minute, but for a lifetime. He continued to be a mentor, friend, and cheerleader for them until his last day; and

WHEREAS, Chuck saw each day as an opportunity to learn. Most of us eschew change, but Chuck treated life as a developing story. Ink ran in his veins, yet he embraced the opportunity to tell stories in any medium—he found his way into radio, television, and was tweeting gems until the end; and

WHEREAS, those who were interviewed by Charles S. Johnson could expect him to offer the benefit of the doubt and exercise fairness, but his loyalty was always anchored to the truth; and

WHEREAS, Chuck would note that we buried the lede: He was the best of Montana in all respects. He is missed and remembered.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Montanans remember Chuck Johnson as a man of integrity, a student of history who sought knowledge daily, and a fearless reporter who pursued truth, justice, and accuracy in the service of the state he loved.

BE IT FURTHER RESOLVED, that the Montana Legislature is encouraged to commemorate the life of Charles S. Johnson on the capitol grounds where he spent many days and nights finding and telling stories that no one would otherwise know.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the Governor, and the presidents of the University of Montana and Montana State University, both of which awarded degrees to Charles S. Johnson.

BE IT FURTHER RESOLVED, that the Secretary of State also send a copy of this resolution to every news outlet in the state, including newspapers, radio stations, television stations, and online publications, as a reminder for journalists to practice the craft the way Charles S. Johnson did: honestly, humbly, and tirelessly to the end.

Adopted April 20, 2023

HOUSE RESOLUTION NO. 6

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO IMPLEMENT COUNTRY-OF-ORIGIN LABELING FOR BEEF AND PORK PRODUCTS.

WHEREAS, in 2002, the United States Congress amended the Agricultural Marketing Act of 1946 to require that retailers notify customers who are purchasing covered commodities, including beef and pork, of the commodities' origin, by means of a "Country-of-Origin Label"; and

WHEREAS, in May 2015, based on complaints from Canada and Mexico, the World Trade Organization determined that country-of-origin labels violated United States trade obligations and threatened to impose retaliatory duties unless the United States removed the requirement that covered commodities, including beef and pork, be sold with a country-of-origin label; and

WHEREAS, in December 2015, Congress removed mandatory country-of-origin labeling requirements for muscle-cut beef and pork and for ground beef and pork; and

WHEREAS, consumers want to know the origin of their food, and the United States and Montana producers want consumers to know the origin of their food.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives of the 68th Montana Legislature urges Congress to pass a mandatory federal country-of-origin labeling law for beef and pork products that meets World Trade Organization requirements.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the Montana Congressional Delegation, the United States Department of Agriculture, and the Office of the United States Trade Representative.

Adopted April 27, 2023

HOUSE RESOLUTION NO. 7

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE 100TH ANNIVERSARY OF COLSTRIP, MONTANA.

WHEREAS, the town of Colstrip, Montana, was founded in 1924 when the Northern Pacific Railroad started mining coal from the Rosebud Mine to fuel their steam locomotives; and

WHEREAS, Colstrip is the home of the Rosebud Mine, which is part of the Fort Union Formation, a geologic unit containing sandstones, shales, and coal beds in Montana and Wyoming, that dates from the early Paleocene epoch, some 65 million years ago; and

WHEREAS, Colstrip is located in southeast Montana, surrounded by open rangeland, farms, ranches, and the Little Wolf Mountains; and

WHEREAS, during World War II, Colstrip's Rosebud Mine was identified as strategically important because it supplied coal for the Northern Pacific Railway steam locomotives hauling military equipment for the war effort; and

WHEREAS, Colstrip is known as the "energy capital of Montana" and has a combined output of 1,480 megawatts; and

WHEREAS, the men and women of Colstrip working in the coal fields and energy plants have added tremendous wealth to the state over the past 100 years; and

WHEREAS, today, Colstrip is a closely knit community with over 2,000 citizens and is the largest city in Rosebud County; and

WHEREAS, Colstrip is home to 32 parks and offers a wide variety of recreational and sports activities; and

WHEREAS, the community of Colstrip plans to kick off a year-long celebration of its 100th anniversary in June 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana recognizes the importance of Colstrip to the past, present, and future of the state.

BE IT FURTHER RESOLVED, that a year-long centennial celebration is scheduled to begin in June 2023 and that all are encouraged to help plan, develop, participate in, and attend the kick-off and subsequent events throughout 2023 and 2024.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor, all state agency directors, the Mayor of Colstrip, and to each member of the Montana Congressional Delegation.

Adopted April 21, 2023

HOUSE RESOLUTION NO. 8

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE CONSTRUCTION OF THE KEYSTONE XL PIPELINE.

WHEREAS, the State of Montana, counties, and school districts would have benefited substantially by an increase in the property tax base if the Keystone XL Pipeline were approved and completed; and

WHEREAS, the Certificate of Compliance granted by the Department of Environmental Quality in 2012 for the Keystone XL Pipeline states that "the Project will generate long-term property tax revenues for the counties traversed by the pipeline that will last for the life of the Project. The Project will generate approximately $63 million in annual property tax revenues in Montana"; and

WHEREAS, the selected location of the pipeline through the state and the conditions imposed by the Certificate of Compliance granted by the Department of Environmental Quality minimize adverse impacts on the environment, landowners, and affected communities; and

WHEREAS, the destruction of private jobs and capital as a result of the executive order to halt the construction of the Keystone XL Pipeline is a taking based on the 5th and 14th amendments to the United States Constitution; and

WHEREAS, given the shortage of power recently experienced in Eastern Montana and the central and southern plains, the state should encourage every source of power, including fossil fuels carried by the Keystone XL Pipeline; and

WHEREAS, Montana's Congressional Delegation supports the approval of the pipeline; and

WHEREAS, Montana's Governor Greg Gianforte supports approval of the pipeline.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature urge prompt congressional and presidential approval of the Keystone XL pipeline.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the Montana Congressional Delegation.

Adopted April 24, 2023

HOUSE RESOLUTION NO. 9

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING FEDERAL ACTION TO ALLOW FULL IMPLEMENTATION OF THE COMMUNITY HEALTH AIDE PROGRAM.

WHEREAS, in 2010 Congress authorized the U.S. Department of Health and Human Services and the Indian Health Service to create a Community Health Aide Program designed to improve access to and delivery of health care services to American Indians and Alaska Natives and to improve the health status of tribal members; and

WHEREAS, in 2019 the Montana Legislature passed House Bill No. 599 to authorize the use of community health aides for dental health, behavioral health, and mental health care services that are provided in practice settings operated by the Indian Health Service or a tribal health program; and

WHEREAS, the 2023 Legislature passed House Bill No. 582 to extend the sunset date of the 2019 legislation for 2 years, to September 30, 2025; and

WHEREAS, Montana tribes have developed capacity to implement the Community Health Aide Program and the State of Montana has partnered with the tribes to implement the program; and

WHEREAS, individuals may practice as community health aides only if certified by a federal certification board or by a federally recognized tribe that has adopted certification standards meeting or exceeding the standards set by a federal certification board; and

WHEREAS, the Billings Area Indian Health Service office, in partnership with federally recognized tribes in the region, has implemented an area certification board; and

WHEREAS, further federal action is needed before individuals can be certified as community health aides in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives of the 68th Montana Legislature urges Congress to fully fund the expansion of the Community Health Aide Program and to establish a national certification board in order to enable certification of providers who are urgently needed in tribal communities.

BE IT FURTHER RESOLVED, that the House of Representatives urges President Joseph Biden and U.S. Health and Human Services Secretary Xavier Becerra to immediately authorize full implementation of the programs and area certification boards developed by the Indian Health Service area offices and to grant all authorities allowed under federal law to ensure that the programs are able to operate effectively and efficiently to improve health outcomes for tribal members.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each federally recognized tribal government in Montana, to the members of the Montana Congressional Delegation, to the Speaker of the United States House of Representatives, to the majority and minority leaders

of the United States House of Representatives and the United States Senate, and to the presiding officers of the United States Senate Committee on Indian Affairs and the United States House Natural Resources Committee.

Adopted April 28, 2023

Senate Joint Resolutions

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA SENATE AND HOUSE OF REPRESENTATIVES

CHAPTER 1

Legislator Remote Participation

1-05. Definitions. As used in these joint rules, the following definitions apply:

(1) "Member" means a member of the Senate or the House of Representatives for the 68th Legislature.

(2) "Participating remotely", "remotely present", or "participate remotely" means participating by telephone, teleconference, videoconference, or other means.

(3) "Present" means a member was either physically present and participating in the session or remotely present and participating in the session.

1-40. Members physically present or remotely present by electronic means.

(1) The Senate and the House may assemble, convene, and conduct the session with members being either physically present or participating remotely. A member is not permitted to participate remotely unless excluded from physical participation based on a decision of the member's caucus leader pursuant to Joint Rule 1-50.

(2) Subject to subsection (3), members who are permitted to participate remotely in the session:

(a) may vote on any question or other matter before the Senate or the House, including committees of the Senate or the House;

(b) have the same privileges, rights, and duties as if the member were physically present, including the right, privilege, and responsibility to cast votes on all questions or other matters brought to a vote;

(c) are considered to have immunity that prevents the member from being questioned in any other place for any speech or debate in the Legislature that happens by participating remotely, as guaranteed by Article V, section 8, of the Montana Constitution;

(d) are entitled to receive compensation for remotely participating in the same manner as a legislator member physically participating during the session; and

(e) are considered present and in attendance at the session for all purposes, including for purposes of:

(i) determining a quorum pursuant to Article V, section 10, of the Montana Constitution; and

(ii) being present for the passage of a bill pursuant to Article V, section 11, of the Montana Constitution.

(3) Members who vote remotely are required to use electronic authentication as determined by the Legislative Council to prevent access to voting by anyone other than the member.

(4) The Legislative Services Division shall assist members who are participating remotely with any logistical or technical issues during the session.

1-50. Participation during session -- permission granted by caucus leader for participating remotely. (1) A member's caucus leader may allow the member to participate remotely as provided in Joint Rule 1-40 and to vote by proxy, except as provided in subsection (2).

(2) Voting by proxy in third reading may be authorized by a member's caucus leader only when a member is hospitalized. Proxy voting on third reading is discouraged unless a member is physically present and participating in the session or remotely present and participating in the session, because Article V, section 11, of the Montana Constitution requires a member to be "present and voting".

(3) For the purpose of this rule, the caucus leader:

(a) for the majority party in the House is the Speaker of the House, the Speaker Pro Tempore of the House, the House Majority Leader, or a Representative designated by a leader in this subsection (3)(a);

(b) for the minority party in the House is the House Minority Leader or a Representative designated by the House Minority Leader;

(c) for the majority party in the Senate is the Senate President, the Senate President Pro Tempore, the Senate Majority Leader, or a Senator designated by a leader in this subsection (3)(c); and

(d) for the minority party in the Senate is the Senate Minority Leader or a Senator designated by the Senate Minority Leader.

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day -- duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment -- recess -- meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

10-50. Access of media -- registration -- decorum -- sanctions. (1) Subject to the presiding officer's discretion on issues of decorum and order, a registered media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege may be revoked or suspended for a violation of decorum and order as agreed to by the media representative upon application for registration.

(3) Registered media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill

proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

10-70. Telephone calls and internet access. (1) Long-distance telephone calls made by a member on a state telephone while the Legislature is in session or while the member is in travel status are considered official legislative business. These include but are not limited to calls made to constituencies, places of business, and family members. A member's access to the internet through a permissible server is a proper use of the state communication system if the use is for legislative business or is within the scope of permissible use of long-distance telephone calls.

(2) Session staff, including aides, may use state telephones for long-distance calls only if specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are accountable for use of state telephones and internet access by their staff, including aides, and may not authorize others to use state phones or state servers to access the internet.

(3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of state telephones.

(4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or other telephone provided by the state.

10-80. Joint employees. The presiding officers of each house, acting together, shall:

(1) hire joint employees; and

(2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee.

10-85. Discrimination, harassment, and retaliation prohibited -- adoption of policy. (1) Legislators, legislative employees, and all participants in the legislative process have the right to work free of discrimination, harassment, and retaliation when performing services in furtherance of legislative responsibilities, whether the offender is an employer, employee, or legislator.

(2) The policy of the Montana Legislature prohibiting discrimination, harassment, and retaliation, as recommended by the Legislative Council and approved by the Legislature by virtue of adoption of these joint rules, must be shared with members and staff during orientation and training and published separately as an appendix to the Joint Rules.

10-100. Legislative Services Division. (1) The staff of the Legislative Services Division shall serve both houses as required.

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

(b) prepare payrolls for certification and authorization by the presiding officer and prepare a monthly financial report.

(3) The Legislative Services Division shall train journal clerks for both houses.

10-120. Engrossing and enrolling staff -- duties. (1) The Legislative Services Division shall provide all engrossing and enrolling staff.

(2) The duties of the engrossing and enrolling staff are:

(a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated; and

(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment originating in the house by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:

(i) errors in spelling;

(ii) errors in numbering sections;

(iii) additions or deletions of underlining or lines through matter to be stricken;

(iv) material copied incorrectly from the Montana Code Annotated;

(v) errors in outlining or in internal references;

(vi) an error in a title caused by an amendment;

(vii) an error in a catchline caused by an amendment;

(viii) errors in references to the Montana Code Annotated; and

(ix) other nonconformities of an amendment with Bill Drafting Manual form.

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or amendment. The form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing with the Secretary of the Senate or the Chief Clerk of the House by the end of the next legislative day following receipt of the notice. The Senate or House shall vote on whether or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was made.

(4) For the purposes of this rule, "engrossing" means placing amendments in a bill.

10-130. Bills -- sponsorship -- style -- format. (1) A bill must be sponsored by a member of the Legislature.

(2) A bill must be formatted electronically with numbered lines and:

(a) printed on paper with numbered lines;

(b) numbered at the foot of each page (except page 1);

(c) backed with a page of substantial material that includes spaces for notations for tracking the progress of the bill; and

(d) introduced. Introduction constitutes the first reading of the bill.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) (a) Except as provided in subsection (4)(b), sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(b) (i) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must be stated in the title unless the inclusion of those sections in the title would cause the title to cumulatively exceed a 100-word limit.

(ii) If the inclusion of sections of the Montana Code Annotated repealed or amended in a legislative referendum title would cause the title to cumulatively exceed 100 words, the title must include those sections that do not exceed the 100-word limit and include a reference to the total number of additional sections listed in the body of the bill that are excluded from the title due to the 100-word limit. Those additional sections excluded from the title must be listed in a section within the body of the bill after the enacting clause.

(5) Introduced bills must be posted online and may be reproduced on white paper and distributed to members.

(6) A legal review note or analysis produced by the Legislative Services Division Legal Services Office must be attached to an introduced bill and posted on the Legislative Branch website.

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator may be added as a cosponsor by an in-person request, an electronic message, a phone communication, or a cosponsor form. If a printed cosponsor form is used, a legislator must sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor. A legislator may also sign on the front page of the legislation.

(8) (a) Prior to submitting legislation to the Secretary of the Senate or the Chief Clerk of the House for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(b) After legislation is submitted for introduction but before the legislation returns from the first House or Senate committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Secretary of the Senate or the Chief Clerk of the House.

10-140. Voting on bills -- constitutional amendments. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

(3) This rule does not prevent a committee from tabling a bill proposing an amendment to The Constitution of the State of Montana.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

(i) amend;

(ii) recommend passage or nonpassage;

(iii) recommend concurrence or nonconcurrence; or

(iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the

Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log must also be kept that includes but is not limited to:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

10-160. Journal. Each house shall:

(1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;

(2) examine its journal and order correction of any errors; and

(3) make a daily journal available to all members.

10-170. Journals -- authentication -- availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives must be authenticated by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public.

CHAPTER 20

Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house and having the receiving house vote favorably on the request. The receiving house shall inform the requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

CHAPTER 30

Committees

30-05. Remote and in-person public testimony before a committee. (1) Except as provided for in subsection (2), and subject to provisions of H30-60 and S30-80, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee.

(2) If a remote technology system failure prevents a person from providing remote testimony, the person may submit written electronic testimony for the committee's official record.

30-10. Joint committee chair -- exception. Except as provided in Joint Rule 30-50 concerning the joint meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees -- exception. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

30-30. Conference committees -- subject matter restrictions. (1) If either house requests a conference committee and appoints a committee for the purpose of discussing an amendment on which the two houses cannot

agree, the other house shall appoint a committee for the same purpose. Subject to subsection (4), the time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. Subject to subsection (4), a conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

(a) acceptance or rejection of each disputed amendment in its entirety; or

(b) further amendment of the disputed amendment.

(3) (a) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as provided in subsection (1). Subject to subsection (4), a free conference committee may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill.

(b) A free conference committee may not take executive action on an amendment to a bill implementing provisions of a general appropriation act that does not directly and substantively address the subject of the bill.

(4) A meeting of a conference committee or free conference committee must be conducted as an open meeting, and minutes of the meeting must be kept. Committees are encouraged to provide at least 24 hours' notice to members of the committee and the public. A committee shall conduct a hearing with the opportunity for public comment for the purpose of commenting on proposed amendments or potential amendments to the bill.

30-40. Conference committee -- enrolling. A conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

30-50. Committee consideration of general appropriation bills. (1) All general appropriation bills must first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each committee separately.

(2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.

(3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:

(a) either house has fewer members on the joint subcommittees;

(b) the chair represents the house with fewer members on the subcommittees; and

(c) the chair is present for the vote at the time that a question is called. A vote may not be held open to facilitate voting by a chair.

30-60. Estimation of revenue. (1) The Revenue Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(2) (a) The committee must have prepared by December 1 for introduction during each regular session of the Legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the Legislature in which a revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session.

30-70. Appointment of interim committees. (1) During an interim when the Legislature is not in session, the committees listed in subsection (2) are the interim committees of the Legislature. They are empowered to sit as committees and may act in their respective areas of responsibility.

(2) (a) The following are interim committees of the Legislature:

(i) Children, Families, Heath, and Human Services Interim Committee;

(ii) Economic Affairs Interim Committee;

(iii) Education Interim Committee;

(iv) Energy and Telecommunications Interim Committee;

(v) Law and Justice Interim Committee;

(vi) Local Government Interim Committee;

(vii) Revenue Interim Committee;

(viii) State Administration and Veterans' Affairs Interim Committee;

(ix) State-Tribal Relations Interim Committee;

(x) Transportation Interim Committee; and

(xi) Water Policy Interim Committee.

(b) For the purposes of this rule, the Environmental Quality Council is also considered an interim committee.

(3) The Speaker of the House and the President of the Senate are ex officio voting members of each interim committee for the sole purpose of breaking a tie vote on a question before an interim committee involving an interim committee objection to an administrative rule pursuant to Title 2, chapter 4, MCA.

(4) Fifty percent of interim committees must be selected to the extent possible from the following legislative standing committees:

(a) Children, Families, Health, and Human Services Interim Committee:

(i) Senate Public Health, Welfare, and Safety Committee;

(ii) Senate Finance and Claims Committee;

(iii) House Human Services Committee; and

(iv) House Appropriations Committee;

(b) Economic Affairs Interim Committee:

(i) Senate Agriculture, Livestock, and Irrigation Committee;

(ii) Senate Business, Labor, and Economic Affairs Committee;

(iii) Senate Finance and Claims Committee;

(iv) Senate Energy Committee;

(v) House Agriculture Committee;

(vi) House Business and Labor Committee;

(vii) House Energy, Technology, and Federal Relations Committee; and

(viii) House Appropriations Committee;

(c) Education Interim Committee:

(i) Senate Education and Cultural Resources Committee;

(ii) Senate Finance and Claims Committee;

(iii) House Education Committee; and

(iv) House Appropriations Committee;

(d) Energy and Telecommunications Interim Committee:

(i) Senate Energy Committee;

(ii) House Energy, Technology, and Federal Relations Committee;

(iii) House Appropriations Committee; and

(iv) Senate Finance and Claims Committee;

(e) Law and Justice Interim Committee:

(i) Senate Judiciary Committee;

(ii) Senate Finance and Claims Committee;
(iii) House Judiciary Committee; and
(iv) House Appropriations Committee;
(f) Local Government Interim Committee:
(i) Senate Local Government Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Local Government Committee; and
(iv) House Appropriations Committee;
(g) Revenue Interim Committee:
(i) Senate Taxation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Taxation Committee; and
(iv) House Appropriations Committee;
(h) State Administration and Veterans' Affairs Interim Committee:
(i) Senate State Administration Committee;
(ii) Senate Finance and Claims Committee;
(iii) House State Administration Committee; and
(iv) House Appropriations Committee;
(i) State-Tribal Relations Committee:
(i) Senate Education and Cultural Resources Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Energy, Technology, and Federal Relations Committee; and
(iv) House Appropriations Committee;
(j) Transportation Interim Committee:
(i) Senate Highways and Transportation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Transportation Committee; and
(iv) House Appropriations Committee;
(k) Water Policy Interim Committee:
(i) Senate Agriculture, Livestock, and Irrigation Committee;
(ii) Senate Natural Resources Committee;
(iii) Senate Fish and Game Committee;
(iv) Senate Finance and Claims Committee;
(v) House Agriculture Committee;
(vi) House Fish, Wildlife, and Parks Committee;
(vii) House Natural Resources Committee; and
(viii) House Appropriations Committee.

30-80. Appointment of committees other than standing or statutory interim committees. Members of committees other than standing or statutory interim committees shall be appointed in accordance with the rules of each house.

CHAPTER 40

Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills -- introduction in House -- feed bill. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

(3) (a) The provisions of a bill that implements provisions of a general appropriation act must directly and substantively relate to a corresponding provision of the general appropriation act.

(b) (i) When a bill that implements provisions of a general appropriation act is transmitted from the Senate to the House for concurrence, the House may refer the bill to the House Appropriations Committee for a joint meeting with the appropriate house standing committee for public review and consideration prior to action by the House Committee of the Whole on second reading.

(ii) When a bill that implements provisions of a general appropriation act is transmitted from the House to the Senate for concurrence, the Senate may refer the bill to the Senate Finance and Claims Committee for a joint meeting with the appropriate Senate standing committee for public review and consideration prior to action by the Senate Finance and Claims Committee and the Senate Committee of the Whole on second reading. The appropriate standing committee may not take executive action on the bill other than making recommendations to the Senate Finance and Claims Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(4) A joint resolution takes effect on its passage unless a different time is prescribed in the joint resolution.

40-40. Bill requests and introduction -- limits and procedures -- drafting priority -- agency and committee bills. (1) Prior to a regular session, a person entitled to serve in that session, referred to as a "member", or a legislative committee is entitled to request bill drafting services from the Legislative Services Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule 40-50.

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator. The requestor must take delivery of the bill either in person or by electronic means and sign, either in person or by electronic means, a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another legislator for introduction.

(d) These limitations on bill and resolution requests do not apply to:

(i) Code Commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) (a) (i) Except as provided in subsections (2)(a)(ii) through (2)(a)(iv) and (2)(b), the staff of the Legislative Services Division shall work on bill draft requests in the order received.

(ii) Except as provided in subsection (2)(a)(iii), after a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member.

(iii) On or before the 5th legislative day, a legislator may reprioritize two of the legislator's top five bill draft requests. A legislator may not reprioritize a bill draft request if the legislator has been notified that staff has initiated drafting of the request.

(iv) (A) The Speaker of the House and the President of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 38 draft requests. The minority leader of the House and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(B) The Speaker of the House and the President of the Senate may each request 30 leadership bill drafts. The minority leader of the House and the minority leader of the Senate may each request 20 leadership bill drafts.

(b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been received by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses its priority under this rule.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall post them electronically or print and deliver them to the requesting members. The original bill back must be signed to indicate review by the Legislative Services Division. The electronic version of the bill must include an indication of review by the Legislative Services Division. A bill may not be introduced unless it is so signed or indicated.

(4) (a) During a session, a bill may be introduced by endorsing it with or indicating the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears or is indicated first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(b) The first 15 House bills may be reserved for preintroduced bills.

(5) (a) Except as provided in subsection (5)(b)(ii), any bill requested by an interim or statutory legislative committee or on behalf of an administrative or executive agency or department through an interim or statutory committee must be so indicated by placing after the names of the sponsors the phrase "By Request of the.....(Name of committee or agency)". The phrase may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction of an

agency, committee, or individual legislator's bill must occur no later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) (i) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b) may include the phrase "By Request of.....(Name of official or committee)".

(ii) An official newly elected to a statewide office may request in writing that the Legislative Services Division remove the phrase "By Request of....." from bills requested by the outgoing official of that office.

(6) Bills may be preintroduced, numbered, posted online, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures, facsimile signatures (5-2-105, MCA), or electronic signatures, along with verified email addresses, of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed or listed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the printed bill or included on the electronic version of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

	Request Deadline 5:00 P.M. Legislative Day
• General Bills and Resolutions	12
• Revenue Bills	17
• Committee Bills and Resolutions/Leadership General Bills and Resolutions	36
• Committee Revenue Bills and Bills Proposing Referenda/ Leadership Revenue Bills and Bills Proposing Referenda	56
• Committee Bills and Leadership Bills implementing provisions of a general appropriation act	56
• Interim study resolutions	60
• Appropriation Bills	45
• Resolutions to express confirmation of appointments	No Deadline
• Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

(2) (a) A bill or resolution must be introduced at least 6 legislative days prior to the applicable transmittal deadline as provided in Joint Rule 40-200 except for:

(i) a session committee bill, resolution, or referenda;

(ii) a bill repealing or directing the amendment or adoption of administrative rules;

(iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules; or

(iv) a resolution expressing confirmation.

(b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply with the introduction deadline results in the bill draft being canceled.

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the Legislature;

(b) recognize relations with other governments, sister states, political subdivisions, or similar governmental entities;

(c) request, but not require, a legislative entity to conduct an interim study;

(d) adopt, amend, or repeal the joint rules;

(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution;

(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana; or

(k) approve the organization of a new community college district under section 20-15-209, MCA.

(2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group achievement. Recognition of individual or group achievements is handled on special orders of the day.

(3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

(4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House.

40-65. Appropriation required for bills requesting interim studies. (1) A bill including a request for an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct the study. The bill must include a contingent voidness section that would void the bill if an appropriation is not included. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not appear to be sufficient.

(2) A Senator may introduce a bill that includes a request for an interim study in the Senate without an appropriation, but the bill may not be transmitted to the Governor unless the bill contains an appropriation added in the House that is sufficient to conduct the study.

40-70. Bills with same purpose -- vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

(2) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions extended by reference to its title only, but the statute section that is amended or extended must be reproduced or published at length.

40-90. Bills -- original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-95. Amendment processing. (1) Amendments to bills and resolutions are drafted by Legislative Services Division staff.

(2) All amendments must be reviewed by the staff of the Legislative Services Division for proper format, style, and legal form.

(3) Amendments requested and approved by a legislator on a bill that has been assigned to a session standing committee must be emailed to members of the committee prior to executive action on the bill.

(4) Amendments requested and approved by a legislator on a bill that is in committee or is scheduled for second reading in the Committee of the Whole must be posted online.

40-100. Fiscal notes. (1) All bills reported out of a committee of the Legislature, including interim committees, having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) The Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.

(b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's actual or electronic signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes

having a potential effect on the revenues, expenditures, or fiscal liability must be reproduced for the members of the committee hearing the bill and, if the bill is reported out of committee, placed on the members' desks, either with or without the chief sponsor's actual or electronic signature.

(6) A fiscal note must, if possible, show in dollar amounts:

(a) the estimated increase or decrease in revenues or expenditures;

(b) costs that may be absorbed without additional funds; and

(c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.

(8) (a) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on an amended bill by:

(i) a committee considering the bill;

(ii) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or

(iii) the chief sponsor.

(b) With the approval of the presiding officer, a committee may request a revised fiscal note on committee-approved amendments to a bill not reported out of committee by passing a motion to postpone action on the bill pending a revised fiscal note.

(9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3 days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal note.

(10) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.

(11) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading unless the bill is accompanied by the fiscal note.

(12) (a) If the budget director fails to prepare and submit a fiscal note in a timely fashion in accordance with this rule, the presiding officer of each house may request the preparation of a fiscal note by the Legislative Fiscal Division, which shall prepare a fiscal note for the bill.

(b) The presiding officer of the originating chamber shall designate which fiscal note accompanies the bill or is used in the preparation of the status sheet if more than one fiscal note is prepared.

40-110. Sponsor's fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal, the sponsor shall make the election as provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal note rebuttal.

(3) Upon receipt of the completed sponsor's fiscal note rebuttal form, the presiding officer shall refer it to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal note rebuttal, reproduced, and placed on the members' desks. The sponsor's fiscal note rebuttal must be posted online with the bill materials.

(4) The Legislative Services Division or the Legislative Fiscal Division shall provide forms for preparation of sponsors' fiscal note rebuttals and shall post the completed sponsors' fiscal note rebuttals online and may also print the

completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and that entirely new material be substituted so long as the new material is relevant to the title and subject of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the material following the enacting clause, to substitute the new material, and to recommend any necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the bill.

40-140. Second reading -- bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill and its version status must be posted online and, if printed, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, an indication must be made online on the bill status page. If the bill is printed, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after receipt.

(2) Copies of the engrossed bill must be distributed to members electronically. If also printed, the engrossed bill must be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. If printed, only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee in the second house, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on

third reading, the reference bill must be posted online and, if printed, copies distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and one duplicate printed copy of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter must be shown as stricken. The enrolled bill must be posted online.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and one copy of the bill not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

(a) enrolled;

(b) clerically corrected by the presiding officers, if necessary;

(c) signed by the presiding officers; and

(d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State, not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and one copy signed by the presiding officer of each house must be presented to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered on the journal.

(7) The original must be filed with the Secretary of State. A signed copy with a chapter number assigned pursuant to section 5-11-204, MCA, must be filed with the Legislative Services Division.

40-170. Amendment by second house. (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended by the second house when the effect of the combined amendments is to return the bill to the form that the bill passed the house in which the bill originated is not considered to have been amended and need not be returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

(2) The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

40-180. Final action on a bill. (1) When a bill being heard by the second house has received its third reading or has been rejected, the second house

shall transmit it as soon as possible to the original house with notice of the second house's action.

(2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act.

40-190. Transmittal of bills between houses -- referral -- hearing. (1) Each house shall transmit to the other with any bill all relevant papers.

(2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes or fees.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor's veto. (1) Except as provided in 40-65 and 40-180, each bill passed by the Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

(a) bills proposing amendments to The Constitution of the State of Montana;

(b) bills ratifying proposed amendments to the United States Constitution;

(c) resolutions; and

(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

(3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

(4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill, it becomes law.

(5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed (Montana Constitution, Art. VI, Sec. 10).

(6) The Governor may veto items in appropriation bills, and in these instances the procedure must be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

40-220. Response to Governor's veto. (1) When the presiding officer receives a veto message, the presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the Governor's veto be overridden.

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.

40-230. Governor's recommendations for amendment -- procedure. (1) The Governor may return any bill to the Legislature with recommendations for amendment. The Governor's recommendations for amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the Governor's recommendations.

(b) If both houses approve the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor's recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor's recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.

CHAPTER 60

Rules

60-05. Source and precedent of legislative rules of the Montana Legislature. (1) The legislative

rules of the Montana Legislature are derived from several sources listed below and take precedence in the following order:

(a) constitutional provisions;

(b) adopted legislative rules of the Montana Legislature;

(c) statutory provisions;

(d) adopted parliamentary authority; and

(e) parliamentary law.

(2) Legislative rules passed by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature.

60-10. Suspension of joint rule -- change in rules. (1) A joint rule may be repealed, amended, or adopted only with the concurrence of both houses. A motion or a joint rule resolution to repeal, amend, or adopt a joint rule must be referred to the Rules Committee. A joint rule may be repealed, amended, or adopted only with the concurrence of a majority of the members voting in both houses.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) copies of all minutes and reports of the Rules Committees.

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (2020) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

(a) the rules of the Senate;

(b) the rules of the House of Representatives; and

(c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

60-40. Tenure of joint rules. The joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.

Adopted January 27, 2023

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE JUSTICE COUNTS METRICS.

WHEREAS, Justice Counts is an initiative led by the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance, the Council of State Governments Justice Center, and more than 21 partners to develop and help implement consensus-driven metrics for criminal justice agencies; and

WHEREAS, the consensus-driven Justice Counts metrics are developed in partnership with a wide range of experts across the criminal justice system; and

WHEREAS, the Law and Justice Interim Committee studied the collection, improvement, and integration of criminal justice system data during the 2021-2022 interim; and

WHEREAS, Montana state and local policymakers are often forced to make critical decisions about the safety of their communities and constituents using limited or stale criminal justice data; and

WHEREAS, the Montana Legislature wants to work in conjunction with state and local partners to improve data collection, including the specific consensus-driven metrics proposed in the Justice Counts initiative; and

WHEREAS, improvements in criminal justice system data collection and dissemination will help Montana policymakers change the current reactionary nature of our criminal justice system to achieve better results by enabling more analysis; and

WHEREAS, better results include cost savings for the State of Montana and our local governments and better outcomes for offenders, crime victims, and their families; and

WHEREAS, Justice Counts would help us improve access for our criminal justice system leaders and the public to consistent, timely, and accurate data across the criminal justice system.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature supports the Justice Counts metrics and urges policymakers throughout the state and local government entities to implement and utilize the metrics and to commit to making the latest criminal justice data available.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor, the members of the Montana Supreme Court, each District Court Judge, the Montana Attorney General, and the Bureau of Justice Assistance in the United States Justice Department.

Adopted April 12, 2023

SENATE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED BENEFIT PLAN AND THE TEACHERS' RETIREMENT SYSTEM AND THE DEVELOPMENT OF RECOMMENDATIONS FOR A LONG-TERM STRATEGIC APPROACH TO FUNDING THE SYSTEMS.

WHEREAS, the actuarial value of the assets of Montana's nine defined benefit public employee retirement systems is $13.8 billion and the actuarially accrued liability is $18.6 billion; and

WHEREAS, the defined benefit systems cover over 55,000 active employees, more than 47,000 retirees and beneficiaries, and over 1,200 employers; and

WHEREAS, more than $126 million is paid from the state general fund through statutory appropriations; and

WHEREAS, these contributions represent a significant investment for employees, local governments, school districts, the state, and taxpayers; and

WHEREAS, the 2021-2022 State Administration and Veterans' Affairs Interim Committee laid the foundation for an in-depth study of the Public Employees' Retirement System defined benefit plan and the Teachers' Retirement System on which the Legislature can continue to build; and

WHEREAS, it is in the interest of the state to ensure that its public employee retirement systems are financially viable to ensure necessary government services and to support the public employees who provide those services, but also to recognize the financial burden placed on its citizens to support those services and employees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to assign the study pursuant to the ranking process described in section 5-5-217, MCA, to the State Administration and Veterans' Affairs Interim Committee and that the committee be requested to:

(1) form a joint committee with the Legislative Finance Committee to conduct the study with all members having full voting power;

(2) study the financial stability of the Public Employees' Retirement System defined benefit plan and the Teachers' Retirement System;

(3) study the history of contributions from the general fund and other sources to the Public Employees' Retirement System defined benefit plan and the Teachers' Retirement System;

(4) investigate alternate approaches to funding and amortization policies and the actuarial impact of changes to the current plan policies;

(5) examine legislative education, oversight, and goals concerning the Public Employees' Retirement System defined benefit plan and the Teachers' Retirement System, including decision benchmarks or indicators for future action; and

(6) develop recommendations for a long-term strategic approach to funding the Public Employees' Retirement System defined benefit plan and the Teachers' Retirement System that will ensure the financial strength of the systems while also recognizing the responsibility placed on the taxpayers and citizens of this state.

BE IT FURTHER RESOLVED, that the Legislative Services Division provide research, legal, and administrative staff support for the State Administration and Veterans' Affairs Interim Committee in accordance with section 5-11-112(1)(d)(i), MCA, and that the presiding officer of the State Administration and Veterans' Affairs Interim Committee may request that the Legislative Fiscal Division provide fiscal analysis in accordance with section 5-12-302(5), MCA.

BE IT FURTHER RESOLVED, that the study be conducted and the recommendations be developed in consultation with all interested stakeholders, including but not limited to representatives of:

(1) the state's taxpayers;

(2) active and retired members of the retirement systems;

(3) employers, including local governments, school districts, and state agencies;

(4) key agencies, including the Governor's Office, the retirement boards, and the Board of Investments; and

(5) other interested parties as considered appropriate.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the State Administration and Veterans' Affairs Interim Committee, be reported to the 69th Legislature.

Adopted February 6, 2023

SENATE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO FULLY FUND PUBLIC SAFETY AND LAW ENFORCEMENT AGENCIES, PROGRAMS, SERVICES, AND ACTIVITIES WITHIN MONTANA'S RESERVATIONS.

WHEREAS, the Constitution of the United States of America, through the Treaty and Supremacy Clauses, acknowledges Indian nations and tribes as prior sovereigns; and

WHEREAS, through treaties, agreements, statutes, and executive orders, Indian nations and tribes came under the protection of the United States while reserving original sovereign authority and self-government over tribal members and territories; and

WHEREAS, through treaties, agreements, statutes, and executive orders, the United States undertook a federal trust responsibility, among other responsibilities, to assist Indian nations and tribes in providing public safety, law and order, and the administration of justice; and

WHEREAS, Montana's reservations have seen drug and alcohol abuse become an epidemic as methamphetamine, heroin, fentanyl, and other drugs have overtaken tribal lands, causing violent crime, domestic disturbance, and trouble among youth; and

WHEREAS, generations of Montana's Native Americans have mourned a missing or murdered family member or loved one, experienced unacceptably high levels of violence, and been victims of violent crime at rates much higher than national averages; and

WHEREAS, justice has eluded many Native American victims, survivors, and families, while criminal jurisdiction complexities and insufficient funding have left many injustices unaddressed; and

WHEREAS, levels of federal funding for tribal public safety, law enforcement, and tribal courts have consistently remained insufficient to fully fund the necessary public safety activities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature of the State of Montana:

(1) urges the United States Congress to support full funding of public safety and law enforcement agencies, programs, services, and activities within Montana's reservations;

(2) urges the United States Department of Justice to develop a plan to cooperatively administer its Indian Country public safety, law enforcement, and administration of justice programs and services together with the United States Department of the Interior;

(3) urges the United States Department of Justice to conduct government-to-government consultation with Indian tribes to determine how best to provide the administration of programs and services and to allocate appropriated funds to meet the various needs of tribal justice systems, including funding for tribal law enforcement, courts, detention facilities, indigent counsel, victim services, juvenile justice, rehabilitation and reentry programs, and crime prevention efforts;

(4) invites each of the tribal governments of the federally recognized Indian tribes in Montana to adopt their own resolutions to the United State House of Representatives and the United States Senate urging Congress to fully fund law enforcement and public safety programs and services on Montana's reservations and further invites the tribal governments to send their resolutions to the Secretary of State by June 30, 2023, to be collected and forwarded as a package to Congress;

(5) requests Governor Gianforte to write a letter to the United States House of Representatives and the United States Senate providing similar support for Congress to fully fund Montana reservations' law enforcement and public safety programs and services and further requests the Governor to provide the letter to the Secretary of State by June 30, 2023, to be included with the package of resolutions for Congress.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the tribal governments of each of the federally recognized Indian tribes in Montana on receipt of this resolution.

BE IT FURTHER RESOLVED, that the Secretary of State collect the tribal resolutions and letter from the Governor by June 30, 2023, and, as soon as possible after that date, send those communications along with a copy of this resolution as a single package to the Speaker of the United States House of Representatives, to the Majority and Minority Leaders of the United States House of Representatives and the United States Senate, to each member of the Montana Congressional Delegation, and to the tribal governments of each of the federally recognized Indian tribes in Montana.

Adopted April 13, 2023

SENATE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE TRAUMA INFLICTED BY THE UNITED STATES GOVERNMENT FOR MORE THAN A CENTURY IN FORCIBLY REMOVING AMERICAN INDIAN CHILDREN FROM THEIR FAMILIES AND TRIBES AND SENDING THEM TO BOARDING SCHOOLS AND EXPRESSING A DESIRE THAT A NATIONAL DAY OF REMEMBRANCE BE DESIGNATED FOR THE AMERICAN INDIAN CHILDREN WHO DIED WHILE ATTENDING A UNITED STATES INDIAN BOARDING SCHOOL AND RECOGNIZING, HONORING, AND SUPPORTING THE SURVIVORS OF INDIAN BOARDING SCHOOLS, THEIR FAMILIES, AND COMMUNITIES.

WHEREAS, over 200 years ago, the act entitled "An Act making provision for the civilization of the Indian tribes adjoining the frontier settlements",

approved March 3, 1819 (3 Stat. 516, chapter 85), commonly known as the "Civilization Fund Act", was enacted and ushered in devastating policies and practices designed to assimilate American Indian, Alaska Native, and Native Hawaiian children by removing children from their families and Native communities throughout the United States; and

WHEREAS, that Act intended to resolve what was commonly referred to in the United States as the "Indian problem" and provided for the unjust belief of many that Native people needed to be "civilized" and that education would be the appropriate vehicle to enact assimilationist policies on Native American people; and

WHEREAS, numerous church- and government-operated boarding schools were established on and off Indian territories and homelands to house and educate numerous Native American children through policies and practices that sought to eliminate the cultural identity of Native children and assimilate them into mainstream American society; and

WHEREAS, many parents of boarding school children were forbidden to contact or visit their children, compounding the problem of isolation that negatively impacted and continues to impact the lives of many

Native children, families, and communities; and

WHEREAS, an unidentified number of Native children died at Indian boarding schools due to abuse, neglect, malnourishment, or disease, and many of those children were buried far from their homes in unmarked graves or under tombstones that misidentified or ascribed to them Anglicized names; and

WHEREAS, many of the parents of children who died at Indian boarding schools were never informed of the fate of their children; and

WHEREAS, many survivors of Indian boarding schools and families of children who attended those schools have recounted details of the physical, sexual, and psychological abuse that countless Native American children endured while attending the schools; and

WHEREAS, the federal policy of Indian assimilation and education has proven to be a disastrous failure and a national tragedy; and

WHEREAS, many American Indian and Alaska Native people suffer from intergenerational trauma as a result of policies and practices of Indian boarding schools that alienated many children from their families, traditional cultures, languages, and religions, and deprived those children of their true identities and heritage; and

WHEREAS, the legacy of this shameful period in our country's history still affects the lives of many Native American people today with many Native American people still suffering from and trying to comprehend and cope with direct trauma, including impacts on health and well-being, and the intergenerational trauma that resulted from losing connection to family, culture, language, religion, and heritage; and

WHEREAS, significant research shows that adverse childhood experiences, such as the experiences of many Native American children who attended Indian boarding schools and the descendants of those children, can cause numerous negative health outcomes, increase suicide rates, and other harmful outcomes throughout life; and

WHEREAS, recognition that healing and care for the mind, body, and spirit is essential to overcoming the dark shadows of United States history of federal Indian assimilationist policies and practices that were carried out by the federal government through Indian boarding schools, and acknowledging the lived experiences of the Native American children and families who endured and continue to endure the trauma and grief associated with Indian boarding schools.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature of the State of Montana:

(1) recognizes, honors, and supports the survivors, families, and communities of children who attended Indian boarding schools and encourages the people of Montana to:

(a) support and recognize the grief, pain, and hardship many Native American people suffered and still endure as a result of the assimilationist policies and practices carried out by the United States through Indian boarding school policies;

(b) honor the legacy of and remember those who were lost or harmed by federal assimilation policies and practices; and

(c) appreciate the resilience of the survivors and their families; and

(2) urges the United States Congress to designate a national day of remembrance for the Native American children who died while attending a United States Indian boarding school.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Speaker of the United States House of Representatives, to the Majority and Minority Leaders of the United States House of Representatives and the United States Senate, to each member of the Montana Congressional Delegation, and to the tribal governments of each of the federally recognized Indian tribes in Montana.

Adopted April 13, 2023

SENATE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA COMMEMORATING ST. PATRICK'S DAY, CELEBRATING THE CONTRIBUTIONS OF MONTANANS OF IRISH HERITAGE, AND EXPRESSING THE HOPE THAT THE CALM AND COOPERATION THAT THE 1998 GOOD FRIDAY AGREEMENT HAS ENGENDERED IN IRELAND WILL ENDURE.

WHEREAS, Irish immigrants contributed significantly to the formation of the cultural and societal foundation of our nation; and

WHEREAS, 14 percent of Montanans are of Irish heritage, the highest percentage west of the Mississippi River and the 9th highest percentage nationally, and Irish Montanans have risen to leadership roles in many fields of endeavor; and

WHEREAS, Irish Americans remain proudly supportive of their ancestral homeland, and desire that Ireland be economically prosperous and at peace, and

WHEREAS, the lyrics and music of the songs of Ireland convey the tragedy and joy and the sorrows and glories of the Emerald Isle, and

WHEREAS, the American Irish State Legislators Caucus was recently established to foster and strengthen the longstanding cordial bilateral relationship between the United States and Ireland, for the continuing mutual benefit of both nations, and

WHEREAS, the 1998 Good Friday Agreement ushered in a new era of peace on the island of Ireland, and the calm and cooperation the agreement has engendered are of the utmost importance for future peaceful coexistence on the Emerald Isle, and

WHEREAS, annually, on St. Patrick's Day, Americans, regardless of their ancestral heritage, become Irish for the day and jointly celebrate their love of Ireland.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature commemorates St. Patrick's Day, celebrates the contributions of Montanans of Irish heritage, and expresses the hope that the calm and cooperation that the 1998 Good Friday Agreement has engendered in Ireland will endure.

BE IT FURTHER RESOLVED, that the Montana Legislature desires to continue building the economic relationship between Montana and Ireland.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the National Co-Chairs of the American Irish State Legislators Caucus, to Senator Mark Daly, the Cathaoirleach of Seanad Éireann (Chair of the Senate of Ireland), and to Deputy Seán Ó Fearghail, the Ceann Comhairle of Dáil Éireann (Chair of the Assembly of Ireland).

Adopted March 30, 2023

SENATE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 6, 2023, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Montana Constitution requires the Commission to submit a proposed plan to the Legislature for recommendations to alter the proposal; and

WHEREAS, the Montana Constitution mandates that districts must be as equal in population as is practicable; and

WHEREAS, the Montana Constitution requires districts to protect minority voting rights; and

WHEREAS, the Montana Constitution further mandates districts be compact and contiguous; and

WHEREAS, the Montana Districting and Apportionment Commission adopted additional discretionary criteria to guide its redistricting plan, including preventing favoritism toward political parties, minimizing the division of cities, towns, counties, and federal reservations, and keeping communities of interest intact.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

In an era of significant political division, Montana's elected representatives still believe in working together. After evaluating the public comments and reviewing the proposal of the Montana Districting and Apportionment Commission, the bipartisan members of the Legislature agree to the following changes to the Commission's tentative map:

(1) redraw as necessary to keep Broadwater County whole;

(2) redraw as necessary to keep Musselshell County whole;

(3) in the greater Pablo area, include in House District 11 the area south of Pablo Road West and north of Carbine Road with Montana Avenue as the eastern boundary;

(4) redraw as necessary to keep Georgetown Lake with Granite and Powell Counties;

(5) redraw as necessary to keep House District 84 wholly contained within Lewis and Clark County; and

(6) redraw House District 41 to include 22 Upper Road, Hardin, and House District 91 to include 35566 Terrace Lake Road, Ronan.

BE IT FURTHER RESOLVED, that the Republican majority finds that:

(1) after inspecting the map and receiving substantial public comment in opposition, the current proposal does not follow the constitutional requirements. The Commission did not consistently or fairly apply the discretionary criteria regarding communities of interest. Furthermore, the Commission often sacrificed constitutionally mandatory compactness for discretionary competitiveness.

(2) the Commission's failure to prioritize the Constitution's mandates created districts that are neither visually nor functionally compact. The Joint Select Committee on Redistricting heard substantial testimony from legislators and citizens about how this lack of compactness will impact voters. Commenters pointed out that several proposed districts extend hundreds of miles across county lines and geographic boundaries. Other commenters mentioned that some districts are connected by roads that are either closed or unreliable in winter. Creating districts that neither pass the eye test for compactness nor allow elected leaders and voters to travel the district is contrary to the requirements set forth in the Constitution.

(3) the Commission's discretionary criteria were not consistently applied. The Commission aimed to keep towns and cities intact where possible but divided communities unnecessarily in the name of proportionality. Additionally, the Commission's criteria prioritized keeping rural, suburban, and urban interests in the same district, but frequently drew urban areas into rural ones to create more competitive districts by splitting voting blocs. The mixing and dividing of Montana's communities of interest created districts where the representative will likely have little knowledge of the areas beyond his or her own front door.

(4) although the Commission adopted criteria that no district should be drawn to unduly favor a single political party, in the urban areas, this proposed map does exactly that. In Gallatin County, 45% of voters are Republican, but only two of the county's 11 seats lean Republican. Republican voters in Missoula and Lewis and Clark Counties are also underrepresented. The Commission's discretionary competitiveness criterion, which has no basis in the Constitution, was prioritized to favor the representation of Democrats in urban areas at the expense of the compactness mandated in the Constitution.

(5) for example, in Lewis and Clark County, the Commission disregarded city boundaries and drew multiple districts that crossed city boundaries to capture territory in the Helena Valley. Additionally, in Gallatin County, the Commission drew a district running from Gardiner into the center of Bozeman.

(6) many other states do not have statutory or constitutional directives requiring districts to be compact and contiguous, and, for those states that do have directives, many qualify the requirement with language saying that it must be done only "to the extent practicable". Montana's constitutional imperative for compact and contiguous districts is not diluted with this type of exception.

(7) it cannot endorse the proposed map as it exists today. To remedy the proposal's lack of constitutionally mandated compactness and reintegrate the communities of interest that were impermissibly divided in the name of proportionality, the majority recommends the following alterations:

(a) redraw House Districts 3, 4, 5, and 6 to make the communities of Whitefish and Columbia Falls whole. House District 4 on the existing map was drawn specifically to create a Democratic House seat and a Senate seat

that leans Democratic. It ignores the distinct Whitefish and Columbia Falls communities of interest and unduly favors the Democratic Party to carve out seats based on the partisan makeup of the districts. The Commission must redraw these seats to reflect functional compactness and to recognize unique communities of interest.

(b) redraw House Districts 65 and 66 to create a more urban district in Bozeman proper and a suburban rural district. As drawn, these districts give Democrats two safe House seats while ignoring the constitutionally mandated compactness requirement. To create these safe Democratic seats, the Commission included rural portions of Gallatin County with the urban core of Bozeman. In addition to clearly violating the Constitution's compactness requirement, the districts blatantly disregard communities of interest.

(c) redraw the entire Gallatin County area with the constitutional requirement of compactness in mind instead of unduly favoring the Democratic Party. There are numerous changes that could be made in Bozeman and the surrounding area to ensure that the Commission respects compactness and better reflects communities of interest. For example, House Districts 62, 63, and 64 are elongated districts that could be made much more compact and keep communities of interest together. Three different House districts that all go west of Jackrabbit Lane, as well as into Bozeman city limits, cannot be considered functionally compact, much less represent communities of interest.

(d) redraw House District 57 in a more compact fashion as required by the Montana Constitution. This district was drawn to unduly favor the Democratic Party. It is an egregious violation of the compactness requirement to have a large portion of Main Street Bozeman in the same House district as rural Park County, Cooke City, and Clyde Park and completely ignores communities of interest.

(e) redraw House Districts 79 and 80 to meet compactness requirements. As currently drawn, House District 79 borders House District 80 on its north, south, and western boundaries, as well as going farther east than all of House District 80. Again, these districts were drawn to create safe Democratic seats at the expense of compactness.

(f) redraw House Districts 81 and 82 to prioritize compact districts instead of unduly favoring the Democratic Party. These districts are drawn to create two Democratic safe seats while sacrificing compactness. This is a simple fix. The Commission can create an urban Helena district and a suburban/rural district that goes into the Helena Valley. This will create two districts that are much more compact and better reflect communities of interest.

(g) redraw the boundaries of House Districts 91 and 99 to make them more functionally compact by consolidating the Rattlesnake area with portions of the Northside. Again, these districts were drawn to unduly favor the Democratic Party and give them two safe seats. Ronan and the Rattlesnake portion of Missoula are combined with rural areas of western Montana to create a single House district that has many disparate communities of interest and flagrantly violates the Constitution's compactness requirement.

(h) redraw the boundaries of House Districts 89 and 94 to make these districts more functionally compact and better reflective of communities of interest by making House District 94 a more urban district in southern Missoula and making a more suburban/rural district that goes south and includes the greater Lolo area. This will also require population shifts with House District 93, which, as drawn now, combines the urban University District with the rural areas surrounding Clinton and Turah. These districts completely ignore compactness and communities of interest for the sake of unduly favoring the Democratic Party.

(i) redraw House District 42. As currently drawn, the district is not compact and combines different urban and rural communities. House District 42 should not go into the urban core of Billings and take in portions of the south side. The south side portion of House District 42 can be combined with other Billings urban districts with House District 42 picking up urban portions of House Districts 54 and 55.

(j) redraw House Districts 36, 37, 38, 60, and 41 to reflect the House District Proposal 4; and

(k) keep established communities of interest intact by reconfiguring House pairings to Senate seats.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file with the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

Adopted January 30, 2023

SENATE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ESTABLISHING THE FIRST WEEK IN APRIL AS MONTANA SOIL HEALTH WEEK AND THE FIRST WEDNESDAY IN APRIL AS SOIL HEALTH DAY.

WHEREAS, recognizing soil as an essential natural resource, and Montana's agricultural producers and professionals as playing a critical role in managing Montana's soil and water resources; and

WHEREAS, Montana is home to more than 27,000 agricultural producers who are reporting less farm-related income; and

WHEREAS, the Natural Resources Conservation Service of the United States Department of Agriculture defines soil health as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans; and

WHEREAS, agriculture is Montana's top industry, generating more than $3.7 billion in services and products to the state's economy; and

WHEREAS, healthy soil increases nutrient availability and helps capture, retain, and store more water, increasing the economic viability of farms and ranches, the availability of water for municipalities and recreational uses, and in-stream flows for power generation; and

WHEREAS, farming and ranching are vital to economic development for Montana's tribes and rural communities; and

WHEREAS, healthy soils provide productive grazing; bountiful crops; clean air; water free from sediment, nutrients, and other pollutants; and diverse wildlife and landscapes through five basic functions:

(1) help to control where rainfall, snowmelt, and irrigation water goes as water and dissolved solutions flow over or into and through soil;

(2) sustain a diverse, productive plant and animal life;

(3) filter and buffer potential pollutants; and

(4) cycle and recycle nutrients of carbon, nitrogen, phosphorus, and other nutrients that are stored and transformed in the soil; and

WHEREAS, Montana has designated the Scobey as its official state soil; and

WHEREAS, forest management and logging play an important role in Montana's soil health, including protecting our streams and rivers from pollution through erosion prevention.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the first week of April be designated as Montana Soil Health Week.

BE IT FURTHER RESOLVED, that the Wednesday of the first week of April be designated as Soil Health Day and that the people of Montana, the Montana Department of Agriculture, the Montana Department of Natural Resources and Conservation, and the Montana Association of Conservation Districts are encouraged to observe the day.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the director of the Department of Agriculture, the Office of the Governor, the director of the Department of Natural Resources and Conservation, the director of the Montana Association of Conservation Districts, the Office of Public Instruction, and Montana's Congressional Delegation.

Adopted April 21, 2023

SENATE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT OF HYDROPOWER AND THE FEDERAL COLUMBIA RIVER POWER SYSTEM; AND OPPOSING THE BREACH OF THE LOWER SNAKE RIVER DAMS.

WHEREAS, organizations throughout the Northwest have made proposals to breach the lower Snake River dams; and

WHEREAS, hydropower is a premier renewable resource that provides reliable, cost-effective, carbon-free electricity; and

WHEREAS, hydropower plays a critical role as our nation works to maintain an affordable, reliable, and resilient grid, which is an important cornerstone of our domestic energy system; and

WHEREAS, hydropower has become increasingly important to the grid as policies are adopted to increase electrification of other sectors of the economy, such as transportation and heating; and

WHEREAS, hydroelectric generation is unique in its ability to instantly increase or decrease generation to balance generation and electric demand; and

WHEREAS, hydropower provides a foundation for reliability that is necessary with decreasing levels of baseload power and firm dispatchable power and with increasing levels of variable nondispatchable renewable resources, such as wind and solar; and

WHEREAS, the recently concluded Columbia River System Operation environmental impact statement studied the environmental, biological, power supply, and socioeconomic impacts of the entire Federal Columbia River Power System, which is marketed by the Bonneville Power Administration. This multiyear, $50.4 million analysis concluded the lower Snake River dams play a critical role in the Northwest power system and economy and their impact on salmon populations has been mitigated successfully through extensive fish and wildlife programs funded by regional ratepayers; and

WHEREAS, on an annual basis, the dams on the lower Snake River provide an average of 1,000 megawatts of electricity, enough to serve over 800,000 Northwest businesses, industries, and households, including in western Montana; and

WHEREAS, the continued operation of the lower Snake River dams is central to reliably meeting the region's clean energy goals, providing

dispatchable capacity to prevent blackouts, and ramping capability to integrate other renewable resources; and

WHEREAS, the lower Snake River dams can provide over 2,600 megawatts of sustained peaking capacity that represents a quarter of the Federal Columbia River Power System's reserves holding capacity; and

WHEREAS, with weather events like ice storms and extreme cold and heat waves, the lower Snake River dams have also proved to be critical to maintaining electric grid reliability and public safety; and

WHEREAS, breaching the lower Snake River dams and replacing them with other non-emitting resources could raise Bonneville Power Agency's power supply rates by up to 50%. For most utilities relying on the agency, that translates to a 25% rate increase for their customers; and

WHEREAS, the lower Snake River dams contribute to the region's economy by providing irrigation, recreation, employment, and inland waterway transportation; and

WHEREAS, if successful in breaching the lower Snake River dams, Montana's federally owned dams and others in the Northwest that produce carbon-free, affordable power could be targeted for breaching; and

WHEREAS, breaching the lower Snake River dams or Montana's federally owned hydropower-producing dams, including Hungry Horse Dam, Libby Dam, Yellowtail Dam, Canyon Ferry Dam, and Fort Peck Dam, would greatly increase the risk of blackouts and raise power costs for electric cooperative members in Montana and public power across the Northwest.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature hereby stands opposed to the breaching of any of the federally owned hydropower-producing dams, especially those on the lower Snake River, in the Northwest, and in the State of Montana.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the governors of all states served by the Bonneville Power Administration, including California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and to each member of the United States House of Representatives and the United States Senate.

Adopted April 13, 2023

SENATE JOINT RESOLUTION NO. 13

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ESTABLISHING JUNE AS RANGELAND APPRECIATION MONTH.

WHEREAS, the fourth largest state in the country, Montana is home to millions of acres of rangeland with unparalleled sunrises and sunsets; and

WHEREAS, the diverse ecology of rangeland provides a unique way of life for thousands of Montanans; and

WHEREAS, rangeland provides recreational opportunities for Montanans and millions more, such as hunting and fishing, generating significant revenue for our economy and rangeland communities; and

WHEREAS, rangeland sequesters more than 20 percent of the world's terrestrial carbon and provides erosion control and nutrient cycling; and

WHEREAS, rangeland supports many different types of wildlife and provides forage to support Montana's $1.5 billion livestock industry as it provides a relatively low-input option for raising livestock; and

WHEREAS, farmers and ranchers have been stewards of the land for generations, as the sustainability of rangeland is vital for the future of agriculture; and

WHEREAS, Montana's rangeland is the backbone of our rich history and a leader in the future of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the month of June be declared Rangeland Appreciation Month.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor, the MSU Extension, and the Director of the Department of Natural Resources and Conservation.

Adopted April 18, 2023

SENATE JOINT RESOLUTION NO. 14

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING BISON INTRODUCTION AT THE CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE.

WHEREAS, the Charles M. Russell National Wildlife Refuge (the CMR) spans nearly 1 million acres of land in Montana; and

WHEREAS, the CMR incorporates land from six Montana counties, including Fergus, Phillips, Petroleum, Garfield, Valley, and McCone Counties; and

WHEREAS, the CMR is surrounded by a combination of private property, federal land managed by the Bureau of Land Management, and state trust land managed by the State of Montana; and

WHEREAS, 5% of the land within the CMR is private inholdings, with the remainder comprised of the Fort Peck Reservoir and a checkerboard of state trust land and federally owned land; and

WHEREAS, the federal land adjacent to the CMR is managed for multiple uses; and

WHEREAS, the federal and state trust land within the boundaries of the CMR are open range and fenced in common in such a way that there is no delineation between where federal land ends and state trust land begins; and

WHEREAS, the Department of the Interior and the U.S. Fish & Wildlife Service have identified the CMR as a potential location to introduce bison; and

WHEREAS, the State of Montana has supremacy over wildlife management in its jurisdiction, and a unilateral bison introduction by the U.S. Fish & Wildlife Service would violate the United States Constitution; and

WHEREAS, the State of Montana has a fiduciary duty to hold state trust land in trust for the people of Montana, and to manage that land for the purposes for which it has been granted, donated, or devised; and

WHEREAS, the placement of bison on the CMR would jeopardize critical grazing land for livestock, greatly increase the threat of disease transmission between livestock and wildlife, threaten the livelihoods of ranching families, and impair the State of Montana's management of state trust land; and

WHEREAS, the State of Montana and other landowners in and neighboring the CMR would be forced to bear the cost of damages caused by bison.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the State of Montana opposes the introduction of any bison on the CMR.

(2) That the State of Montana has a vested interest in ensuring the continued physical and economic health of our agriculture industry through acting to eliminate disease and promote the industry.

(3) That the Secretary of State send a copy of this resolution to the United States Congress, the Department of the Interior, the Bureau of Land Management, and the United States Fish & Wildlife Service.

Adopted April 12, 2023

SENATE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING ARTICLE 13 OF THE COLUMBIA RIVER TREATY AND ANY RIGHT TO DIVERT 1,500,000 ACRE-FEET OF WATER FROM THE KOOTENAI RIVER TO THE COLUMBIA RIVER AT CANAL FLATS, BRITISH COLUMBIA.

WHEREAS, negotiations on the Columbia River Treaty are ongoing prior to automatic changes in the release of water based on the original agreement that was ratified in 1964 and has served both the United States and Canada well; and

WHEREAS, a new agreement is expected before September 2024.

WHEREAS, Article 13 of the treaty gives Canada the "right" to divert up to 1.5 million acre-feet of water a year from the Kootenai River to the headwaters of the Columbia River at Canal Flats, British Columbia, about 100 miles above the United States border. The diversion would occur where the Kootenai is pure snowmelt from the Rocky Mountains west of the Continental Divide; and

WHEREAS, Lake Koocanusa is the reservoir behind the Libby Dam and is mostly filled by inflow from the Kootenay River, as it is spelled in Canada. The Elk River, which carries a significant amount of selenium from the coal mines in southeast British Columbia, enters the upper portion of Lake Koocanusa just north of the international border. The diversion of 26% of pure flow would greatly increase the concentration of selenium in Lake Koocanusa, most of which lies in Montana; and

WHEREAS, the concentration of selenium in Lake Koocanusa and the Kootenai River is a subject of serious concern to both nations, Montana, and Idaho. Restrictive standards are currently in the process of being established or implemented. Clearly this is of major environmental concern, even involving the International Joint Commission on Boundary Waters, and any diversion would be detrimental; and

WHEREAS, a diversion would be devastating to terrestrial and aquatic life in and around the Columbia River, the Kootenai River, and Lake Koocanusa. Losing 26% of the Kootenai River volume would lead to a serious reduction in hydropower from the Libby Dam, negatively impact recreation on and around Lake Koocanusa, harm fishing on the Kootenai River, and add to reproductive problems for the white sturgeon, which spawn below Kootenai Falls near Libby, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Montana Legislature, representing all citizens of Montana, requests that Article 13 and the right to divert water from the Kootenai River to the Columbia River at Canal Flats be removed in the modernization of the Columbia River Treaty language.

BE IT FURTHER RESOLVED that the Secretary of State send copies of this resolution to President Joe Biden, the Montana Congressional Delegation,

the United States Secretaries of the Interior and Energy, the United States Army Corps of Engineers, Chief Negotiator Jill Smail at the United States Department of State, Bill Leady at the Bonneville Power Administration, Governor Greg Gianforte, and Mike Milburn and Doug Grob at the Northwest Power and Conservation Council.

Adopted April 12, 2023

SENATE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING MONTANANS WHO HAVE SERVED AND CONTINUE TO SERVE IN THE MILITARY AND DECLARING 2023-2025 AS THE ERA OF RECOGNITION AND COMMEMORATION OF THE MONTANA NATIONAL GUARD, MONTANA ARMY NATIONAL GUARD, MONTANA AIR NATIONAL GUARD, U.S. ARMY RESERVE, MARINE CORPS RESERVE, U.S. NAVY RESERVE, AND ALL ACTIVE DUTY MILITARY PERSONNEL.

WHEREAS, on July 14, 1867, Montana Territorial Governor Green Clay Smith issued General Order No. 1 in Virginia City, officially authorizing the organization of Montana volunteer forces and formally naming them the First Regiment of Montana Volunteers; and

WHEREAS, in 1885, U.S. House Bill No. 20 passed, authorizing the organization of a national guard for the territory, and the 1st Montana Infantry Regiment, National Guard, mustered its first company in Virginia City; and

WHEREAS, the need for a state militia was recognized, and accordingly, the 1st Montana Infantry Regiment was reorganized as the Montana National Guard under the Territorial Legislative Act entitled "An Act to Organize and Regulate the Militia, Approved March 10, 1887"; and

WHEREAS, on May 2, 1898, the 1st Montana Infantry Regiment volunteered as United States volunteers, and under the command of Colonel Harry C. Kessler, the regiment served in the Spanish-American War and subsequently in the Philippine Insurrection in 1898-1899, in which it participated in seven major battles as part of the overall command of Major General Arthur MacArthur; and

WHEREAS, the 2nd Montana Infantry Regiment, as successor to the 1st Montana Infantry Regiment, participated in the Mexican Border Conflict in 1916, and under the command of Colonel "Dynamite" Dan J. Donohue, its mission was to protect border towns and U.S. holdings along the Arizona border; and

WHEREAS, on August 5, 1917, the 2nd Montana Infantry Regiment was redesignated as the 163rd Infantry Regiment, 41st Infantry Division, and went on to fight in World War I along with many fellow Montanans who volunteered or were conscripted to serve, and according to Joseph Kinsey Howard, "In World War I, more Montana boys marched away in proportion to population than any other state and more than any other state, proportionately, would never march anywhere again...."; and

WHEREAS, the 163rd Infantry Regiment, 41st Infantry Division, responded to the call of 1 year of duty on September 16, 1940, which turned into 5 years of military service during World War II; and

WHEREAS, the Montana National Guard on its return from World War II was reconstituted in 1946 as the 163rd Infantry Regimental Combat Team, Montana Army National Guard; and

WHEREAS, the Montana Air National Guard came into being on June 27, 1947, some 76 years ago when the 186th Fighter Squadron was formed, and the 186th Fighter Squadron later transformed into the 120th Fighter Wing; and

WHEREAS, Montana men and women have proudly served the nation and state in the Korean War (the Unknown War), the Vietnam War, and part of the Cold War period from 1945 to 1991; and

WHEREAS, in 1991, the Montana Army National Guard served the nation as represented by the 103rd Public Affairs Detachment in Southwest Asia during Desert Shield/Desert Storm, along with members of the Montana Air National Guard and over 3,000 Montanan volunteers serving in the active and reserve components; and

WHEREAS, since 2001, more than 5,000 Montanans have deployed in support of overseas operations as part of the Global War on Terror, including Operation Iraqi Freedom, Operation Enduring Freedom, Operation Spartan Shield, and Operation Inherent Resolve; and

WHEREAS, the Montana National Guard has repeatedly come to our state's aid during major fire seasons such as 2017 and 2021, the 2022 floods, and the COVID-19 response operations at the Montana State Prison and hospitals across the state; and

WHEREAS, the USS Montana submarine was commissioned on June 25, 2022, and carries our state's name around the world in defense of us and the rest of our nation; and

WHEREAS, Montana is home to Malmstrom Air Force Base, nearly 9,000 active duty and reserve military personnel, and over 92,000 veterans, giving it the third highest percentage of veteran residents of any state; and

WHEREAS, the Montana Army and Air National Guard, composed of men and women throughout Montana, stepped forward by serving their community, state, nation, and world to support peacekeeping missions, security operations, and natural disaster responses; and

WHEREAS, it is fully recognized that these required mobilizations and deployments of Montana Army and Air National Guard members include adverse effects on families, work, and communities due to the temporary loss of the service members, including social and financial costs; and

WHEREAS, the fine tradition of service to Montana and the United States is ably demonstrated by the nearly quarter of a million Montana veterans who have participated in all branches of the service during the past 156 years, and as current military and new veterans they continue to contribute their strength to Montana by providing leadership in business, government, and industry and continue to add value to Montana; and

WHEREAS, it is our duty and responsibility to support them, remember them, and help them in time of need.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature of the State of Montana recognizes the many Montanans who have served in the past and who currently serve to make Montana and the United States a better place to live.

BE IT FURTHER RESOLVED, that the Legislature declare that 2023-2025 be recognized as the Era of Recognition and Commemoration of the Montana National Guard, Montana Army National Guard, Montana Air National Guard, U.S. Army Reserve, Marine Corps Reserve, U.S. Navy Reserve, and the many active duty military personnel in service to their nation and encourage that expressions of recognition be afforded to all currently serving and military veterans of Montana.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor of Montana, the Department Commander of the American Legion of Montana, the State Commander, the State Senior Vice Commander, the State Junior Vice Commander, and the State Adjutant/Quartermaster of the Veterans of Foreign Wars of Montana, the State Commander of the Disabled American Veterans of Montana, the Secretary of Veterans Affairs, each of the federally recognized tribal governments in Montana, and each member of the Montana Congressional Delegation.

Adopted April 20, 2023

SENATE JOINT RESOLUTION NO. 18

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING THE MONTANA 163RD INFANTRY REGIMENT; AND DECLARING MARCH 5, 2023, AS THE OFFICIAL DATE OF THE RECOGNITION OF THE 80TH ANNIVERSARY OF THE MONTANA 163RD INFANTRY REGIMENT'S VICTORY IN THE BATTLE OF SANANANDA, PAPUA, NEW GUINEA.

WHEREAS, Montana's 163rd Infantry Regiment, 41st Infantry Division, known as the Jungleers, was called to active duty on September 16, 1940, for 1 year of training; and

WHEREAS, the largest ever mobilization of American military manpower continued, ultimately calling up over 15 million U.S. men and women to serve from 1941 to the end of the hostilities in 1946; and

WHEREAS, over 75,000 Montanans were part of that force; and

WHEREAS, between January 1 and 23, 1943, Montana's 163rd Infantry Regiment was the first U.S. unit to defeat the Imperial Japanese forces in the Battle of Sanananda, Papua, New Guinea; and

WHEREAS, on February 22, 1943, for only the second time in Montana's history, the 28th Montana Legislature passed a joint resolution in a patriotic and historic move, honoring and recognizing the sacrifices of Montana's 163rd Infantry Regiment and including an emblem of a now famous color sketch in tribute to the soldiers by Montana artist Irwin "Shorty" Shope; and

WHEREAS, January 23, 2023, marked the 80th anniversary of the end of the Battle of Sanananda, Papua, New Guinea, and it is befitting on such an anniversary to remember poignant excerpts from the memorandum sent to New Guinea quoting Senate Joint Resolution No. 1:

"SENATE JOINT RESOLUTION NO. 1 A JOINT RESOLUTION RECOGNIZING THE VICTORIES OF MONTANA INFANTRY REGIMENT, U.S.A., EXPRESSING THE GRATITUDE OF THE PEOPLE OF MONTANA TO THE REGIMENT AND PROVDING A CABLE MESSAGE FROM THE LEGISLATURE TO THE REGIMENT IN THE COMBAT ZONE OF THE SOUTH PACIFIC THEATER OF WAR.

WHEREAS, the official military reports emanating from General Douglas MacArthur's Head-quarters in the South Pacific, as released by the War Department's and the news dispatches cabled by observers, making manifest that the 163rd Infantry--Montana's own--has been of imperishable fame in the jungles and on the heights of New Guinea in most arduous combat against a implacable foe, and has from the very outbreak of hostilities demonstrated the finest attributes of the American soldier, in devotion to training, fraternization and cooperation with free peoples of the great Pacific world to the south, and in the deep resolve to establish the rule of law among the nations of the earth.

The heart of all the people of Montana, while vibrant with affection for the Regiment, are burdened with pain at its losses, and determined to repay the holy obligation resulting from their sacrifices, by solemnly assuming the responsibility of free men in support of the reign of law throughout the earth.

NOW, THEREFORE BE IT RESOLVED, by the Senate of the twenty-eighth Legislative Assembly of the State of Montana, the House of Representatives concurring, that the Legislative Assembly tenders to every officer and to every man of the 163rd Infantry Regiment the deep gratitude of the whole body of our citizens for the great victory which our men have won, purchased with the blood of their bravest, hopeful that the Regiment will accept this expression as an evidence of the love and devotion which we have for it, and which sustains us on the home front and inspires us to dedicate each day to aid our men overseas.

That we ask the Commanding Officer of the Regiment, when the Regiment is placed in his hands, to communicate the continuing homage of Montana people to General Douglas MacArthur, whose father, General Arthur MacArthur, led the Montana Regiment of 1899 to a victory that brought freedom to the Philippines who have proved their brotherhood with us and with whose help General Douglas MacArthur as his father's successor, and with the aid of our Regiment, will restore those peoples of thieves of the Pacific to the dignity of men.

BE IT FURTHER RESOLVED that the following message be cabled at once, through military or other appropriate channels, to the Commander of the 163rd Infantry Regiment in the combat zone:

WITH VIBRANT ADMIRATION FOR YOUR MAGNIFICENT VICTORY OVER THE JAPANESE ON THE PAPUAN PENINSULA OF NEW GUINEA AND ELSEWHERE, WITH PRAYERS OF THE WOUNDED AND WITH UNDYING RESOLVE TO CARRY THE HIGH PURPOSE OF OUR NOBLE DEAD, THE HEARTS OF THE PEOPLE OF MONTANA ARE WITH YOU AS ONE EVERY HOUR OF EVERY DAY, THE TWENTY-EIGHTH LEGISLATIVE ASSEMBLY OF MONTANA IN SESSION AT HELENA. /s/ Earnest T. Eaton, President of the Senate & /s/ Gee W. O'Conner, Speaker of the House"; and

WHEREAS, the resolution was approved on March 5, 1943, by Sam C. Ford, Governor, and transmitted by memorandum and telegram to Montana's 163rd Infantry Regiment in which it was distributed along with a special commemorative personalized print of the Capitol and the General Meagher Statue to every member of the regiment by the Adjutant of the 163rd Infantry Regiment by Captain James R. Kent, by order of the Regimental Commander, Colonel Jens Doe, later the Commander of the 41st Division; and

WHEREAS, in February 2002, members of the Montana 163rd Infantry Regiment were mobilized to Bosnia in support of Operation Joint Forge, where they were tasked with peacekeeping operations across war-torn Bosnia and executed this mission flawlessly, representing Montana in an exemplary fashion; and

WHEREAS, in June 2004, the Montana 163rd Infantry Regiment was mobilized as part of the 116th Brigade to deploy to northern Iraq in support of Operation Iraqi Freedom III, participating in an arduous 6-month post-mobilization training at Fort Polk, Louisiana, and Fort Bliss, Texas, before heading for the deserts of Iraq, where they faced a harsh climate and constant altercations with terrorists during the challenging 12-month tour, but resulted in the 163rd Infantry Regiment being recognized with the Valorous Unit Citation; and

WHEREAS, in September 2010, the men and women of the Montana 163rd Infantry Regiment were again called upon for another mobilization to the deserts of Iraq for Operation New Dawn in southern and central Iraq, where they spent nearly 9 months escorting logistical convoys around the entire country, and after returning home, their efforts were recognized with the Meritorious Unit Citation; and

WHEREAS, in November 2021, the soldiers of the Montana 163rd Infantry Regiment were reorganized into Task Force Griz and mobilized in support of Operation Spartan Shield, where after a post-mobilization training at Fort Bliss, Texas, they headed to Kuwait to serve as a ready response force for U.S. Central Command, where for a year Task Force Griz supported operations in Iraq, Kuwait, Syria, Saudi Arabia, and many other countries across the region, including executing numerous training exercises with NATO partners.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature does hereby honor our Montana 163rd Infantry Regiment veterans, their families, and all those who supported our nation's efforts to right a wrong and restore peace through strength from 1940 to 1946, expending time, talent, and sacrifice to include the ultimate sacrifice in support of freedom.

BE IT FURTHER RESOLVED, that the Legislature declares March 5, 2023, as the official date of recognition of the 80th Anniversary of the Montana 163rd Infantry Regiment's victory of the Battle of Sanananda, Papua, New Guinea.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor, the Department Commander of the American Legion of Montana, the State Commander, the State Senior Vice Commander, the State Junior Vice Commander, and the State Adjutant/Quartermaster of the Veterans of Foreign Wars of Montana, the State Commander of the Disabled American Veterans of Montana, the Secretary of Veterans Affairs, each of the federally recognized tribal governments in Montana, and each member of the Montana Congressional Delegation.

Adopted April 14, 2023

SENATE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING AND REMEMBERING MICHAEL L. BRADLEY, ONE OF MONTANA'S FALLEN HEROES WHO VALIANTLY GAVE HIS LIFE IN MILITARY SERVICE.

WHEREAS, whenever our freedom and security has been threatened, valiant members of the United States Armed Forces have bravely defended our nation and the welfare of other freedom-loving people throughout the world; and

WHEREAS, many Montanans who answered the call to serve gave their lives in this service, making this ultimate sacrifice so future generations could prosper in freedom and safety; and

WHEREAS, pursuant to Title 10, chapter 2, part 8, of the Montana Code Annotated, the hero named in this resolution, Warrant Officer Michael L. Bradley, is a Montanan who was killed in action while engaged in action against an enemy of the United States; and

WHEREAS, Montana's Honor and Remember Medallion is a symbol of our undying gratitude for this valiant Montanan and our solemn pledge to his

family members that we will never forget this hero and the sacrifices he made for us; and

WHEREAS, Warrant Officer Michael L. Bradley of Eureka, Montana, served in the United States Army and was killed in action on September 27, 1970, in the Republic of Vietnam; and

WHEREAS, Warrant Officer Bradley was posthumously awarded the Distinguished Flying Cross; and

WHEREAS, Warrant Officer Bradley distinguished himself while serving as a pilot aboard a helicopter ambulance during rescue operations near Quang Tri. After receiving an urgent request for assistance in locating a downed allied helicopter, Mr. Bradley and his crew immediately boarded their helicopter and sped to the area of the crash. Ignoring the extremely bad weather that made flying conditions very hazardous, Mr. Bradley refused to abandon the search for the downed aircraft. Applying all his knowledge as a skilled aviator, Mr. Bradley flew his aircraft amid the extremely poor weather conditions for over two hours in search of the allied helicopter. During this search, his helicopter was thrown violently out of control by the turbulent weather and he was fatally injured in the ensuing crash; and

WHEREAS, Warrant Officer Bradley's outstanding flying ability and devotion to duty, at the cost of his life, were in keeping with the highest traditions of military service and reflect great credit on himself, his unit, the State of Montana, and the United States Army.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 68th Legislature of the State of Montana, in the regular session of 2023, awards the Montana Honor and Remember Medallion to United States Army Warrant Officer Michael L. Bradley of Eureka, Montana.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the family of Warrant Officer Bradley and that his name be entered on the roll of Montana Honor and Remember Medallion honorees.

Adopted May 1, 2023

SENATE JOINT RESOLUTION NO. 30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF VITICULTURE AND WINE DISTRIBUTION AND LICENSING REGULATION; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 69TH LEGISLATURE.

WHEREAS, American consumption of wine has increased from 1.95 gallons for each resident in 1998 to 2.82 gallons for each resident in 2013, according to the Agricultural Marketing Resource Center; and

WHEREAS, on a per-acre basis, vineyard returns greatly exceed returns from conventional crops, providing tremendous potential for value-added marketing of wine, grapes, and their byproducts at the farm level and increasing the farmer's share of the consumer's dollar, according to the University of Arkansas' Food Science Department; and

WHEREAS, the expansion of Montana's vineyards may provide potential for increasing value-added agricultural products; and

WHEREAS, Montana does not yet have a federally designated American Viticultural Area, a designation that may enhance the viability of Montana wines; and

WHEREAS, the Wine Distribution Act provides a regulatory framework for winemaking in the state but could bear some scrutiny as part of a legislative review of regulatory constraints and opportunities for Montana farmers; and

WHEREAS, the Montana Department of Agriculture has authority over the agricultural aspect of vineyards, but the Montana Department of Revenue has authority over the distribution and sale of wine in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the issues of production and regulation of wine, winemaking, grape-growing, and the use of byproducts. The study shall examine:

(1) wine production, including processes of harvesting, crushing, fermentation, clarification, packaging, labeling, and storage;

(2) the marketing of wine, including demographics, wine tourism, and other consumer behavior;

(3) regulatory requirements and constraints as provided in Title 16 and by the United States department of the treasury; and

(4) additional licensing opportunities for wine production, manufacturing, and sales.

BE IT FURTHER RESOLVED, that the study include representatives of the Department of Agriculture, Department of Commerce, Department of Revenue, and appropriate stakeholders, including state or local groups that work on the topic of viticulture.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

Adopted May 2, 2023

SENATE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ATTORNEY REGULATION IN MONTANA AND THE ROLE AND STRUCTURE OF THE STATE BAR; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 69TH LEGISLATURE.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study attorney regulation in the state and the role of the State Bar of Montana.

BE IT FURTHER RESOLVED, that the study review:

(1) the functions of the State Bar of Montana, including any programs for the public;

(2) the history, structure, and rationale for the unified bar in the United States and the State Bar of Montana and the independent regulation of the legal profession under the Montana Constitution and the Montana Supreme Court, including but not limited to:

(a) the legal authorization of the bar association, such as statute, order, or rule;

(b) the oversight of the bar association and its funding; and

(c) any state or federal case law related to the role, structure, and operation of bar associations and the regulation of attorneys;

(3) the role of attorneys as officers of the court;

(4) the Montana Rules of Professional Conduct, the attorney admissions process, and the discipline process for attorneys;

(5) national trends and best practices in legal regulation and how other states regulate attorneys, including but not limited to the "next-gen" bar examination, the role of the uniform bar examination and its effectiveness, alternative pathways to bar admission, including reading the law and apprenticeship bar admission, and limited licensure options;

(6) the regulation, oversight, and scrutiny of the State Bar of Montana of the conduct, speech, activities, and association of attorneys licensed to practice in the state; and

(7) the purpose and operation of Interest on Lawyers' Trust Accounts.

BE IT FURTHER RESOLVED, that the study involve relevant stakeholders identified by the committee.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

Adopted May 2, 2023

Senate Resolutions

SENATE RESOLUTION NO. 1

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA ADOPTING THE SENATE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the following Senate Rules be adopted:

RULES OF THE MONTANA SENATE

CHAPTER 1

Administration

S10-10. Officers of the Senate. The officers of the Senate include a president, a president pro tempore, a majority leader, a minority leader, and majority and minority whips.

S10-20. Term of officers. The term of office for the officers and employees of the Senate established by rule is until the succeeding Legislature is organized. This rule may not be construed to mean the staff will be full-time employees during an interim.

S10-30. President, President pro tempore, and other officers. (1) The Senate shall, at the beginning of each regular session, and at other times as may be necessary, elect a Senator as President and a Senator as President pro tempore.

(2) The Senate shall choose its other officers and is the judge of the elections, returns, and qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate is the President of the Senate, who must be chosen in accordance with law.

(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the President when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during that time with all the powers of the President.

(4) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(5) The President shall sign or electronically authenticate all necessary certifications of the Senate, including enrolled bills and resolutions, journals, subpoenas, and payrolls. The President's signature or electronic authentication must be attested by the Secretary of the Senate.

(6) The President shall approve the calendar for each legislative day.

(7) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate employees. The President may seek the advice and counsel of the Legislative Administration Committee.

(8) The President of the Senate is the authorized approving authority of the Senate during the term of election to that office.

(9) The President shall refer bills to committee upon introduction or reception in the office of the Secretary of the Senate.

S10-60. Succession. (1) In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

(2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the President, the following procedure applies:

(a) If the President dies while in office, the members of the Senate have the right to immediately nominate and elect an acting President of the same party.

(b) If the President is absent for 2 or more legislative days or at any time after the 85th legislative day or at any time during special session of the Legislature and wants to appoint an acting President during the President's absence, the President may do so, or the members of the Senate have the right to immediately nominate and elect an acting President of the President's caucus.

(c) An acting President of the Senate has the powers of the President and supersedes the powers of the President pro tempore.

S10-70. President-elect. The President-elect nominated by the appropriate party caucus has the responsibility and authority to assume the duties of President of the Senate.

S10-80. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee has authority to act in the interim to prepare for future legislative sessions.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the Senate, subject to the approval of the President.

(4) The committee shall consider disputes or complaints involving the competency or decorum of legislative employees referred to it by the President and recommend dismissal, suspension, or retention of employees.

(5) The chair of the Legislative Administration Committee may, upon approval of the President, have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative Services Division.

S10-90. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

(1) being the lead speaker for the majority party during floor debates;

(2) arranging legislation on the Committee of the Whole agenda in the order in which the bills will be considered;

(3) helping the President develop the calendar;

(4) assisting the President with program development, policy formation, and policy decisions;

(5) presiding over the majority caucus meetings; and

(6) other duties as assigned by the caucus.

S10-100. Majority Whip. The duties of the majority whip may include but are not limited to:

(1) assisting the majority leader;

(2) ensuring member attendance;

(3) counting votes;

(4) generally communicating the majority position; and

(5) other duties as assigned by the caucus.

S10-110. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

(1) developing the minority position;

(2) negotiating with the majority party;

(3) directing minority caucus activities on the chamber floor;

(4) leading debate for the minority; and

(5) other duties as assigned by the caucus.

S10-120. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

(1) assisting the minority leader on the floor;

(2) counting votes;

(3) ensuring attendance of minority party members; and

(4) other duties as assigned by the caucus.

S10-130. Senate employees. (1) In addition to the employees appointed by the President, the Senate shall employ staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

(2) The Secretary of the Senate shall designate a secretary to take and prepare written minutes of committee meetings for each standing committee. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

(3) The President, majority leader, and minority leader may each appoint a private secretary.

S10-140. Secretary of the Senate and duties. The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

(1) performing the duties prescribed by law or other provisions of these rules;

(2) serving as parliamentary advisor to the Senate;

(3) compiling and maintaining the calendar for approval by the President;

(4) keeping the leadership informed on the progress and workload of the Senate;

(5) transmitting bills with appropriate messages to the House of Representatives as instructed by action of the Senate;

(6) keeping and maintaining records of the Senate; and

(7) supervision of the Senate employees, except as otherwise provided.

S10-150. Sergeant-at-Arms duties. Under the direction of the President and the Secretary of the Senate, the Sergeant-at-Arms shall:

(1) maintain order as directed by the President or chair of the Committee of the Whole;

(2) enforce the lobbying rules of the Senate;

(3) supervise the employees assigned to the Sergeant's office;

(4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with records of purchase and disposal in accordance with law;

(5) perform duties as required by other rules and the Senate.

S10-160. Legislative interns. Each Senator may designate one person of legal age to serve as an intern during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall register an intern with the Secretary of the Senate and arrange for the purchase of a name tag with the Sergeant- at-Arms.

S10-170. Senate journal. (1) The Senate shall keep and authenticate a journal of its proceedings as required by law and the rules.

(2) The Secretary of the Senate will supervise the preparation of the journal by the journal clerks trained by the Legislative Services Division under the direction of the President.

(3) In addition to the proceedings required by law to be recorded, the journal must include:

(a) committee reports;

(b) every motion, the name of the Senator presenting it, and its disposition;

(c) the introduction of legislation in the Senate;

(d) consideration of legislation subsequent to introduction;

(e) roll call votes;

(f) messages from the Governor and the House of Representatives;

(g) every amendment, the name of the Senator presenting it, and its disposition;

(h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and

(i) any other records the Senate directs by rule or action.

(4) The Secretary of the Senate shall provide information that may be necessary for the preparation of the daily journal for printing by the Legislative Services Division. Upon approval by the President, the daily journal must be reproduced and made available.

(5) Any Senator may examine the daily journal and propose corrections. Without objection by the Senate, the President may direct the correction to be made.

(6) The President shall authenticate the original daily journal, from time to time, and the Secretary of the Senate shall, as appropriate, deliver it to the Legislative Services Division to be prepared for publication and distribution in accordance with law.

CHAPTER 2

Decorum

S20-10. Questions of order -- appeal. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. A Senator may not speak more than once on an appeal without the consent of a majority of the Senate.

S20-20. Violation of rules -- call to order -- appeal. (1) If a Senator, in speaking or otherwise, violates the rules of the Senate, the President shall, or the majority leader or minority floor leader may, call the Senator to order, in which case the Senator called to order must be seated immediately.

(2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is nondebatable.

(3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If the decision is against the Senator, the Senator may not proceed.

(4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject to other action. Censure consists of an official public reprimand of a Senator for inappropriate behavior. The Senate shall act upon the recommendation of the Committee.

S20-30. Questions of privilege -- restrictions. (1) Questions of privilege in order of precedence are those:

(a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and

(b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

(2) A Senator may not address the Senate on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question;

(c) a motion to lay on the table is offered and the vote is taken on the motion; or

(d) a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken on the motion.

S20-40. Recognition by chair. A Senator desiring to speak shall indicate to the presiding officer and, once being recognized, shall speak. When two or more Senators indicate a desire to speak at the same time, the presiding officer shall determine the order of the speakers.

S20-50. Floor privileges. (1) When the Senate is in session no person is permitted in the chambers except:

(a) legislators;

(b) legislative officers and employees whose presence is necessary for the conduct of business of the session;

(c) registered representatives of the media; and

(d) former legislators (not currently registered as lobbyists).

(2) The President may make exceptions for visiting dignitaries.

(3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the chambers except those authorized as exceptions under subsection (1) or (2).

S20-60. Communications to Senate. A communication to the Senate must be addressed to the President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.

S20-70. Distribution of materials on floor -- exception. (1) Subject to subsection (2), material may not be distributed on the Senators' desks in the chamber unless the material bears the signature of the bearer and a Senator and has been approved by the President.

(2) Subsection (1) does not apply to material written by staff at the request of a Senator and placed on the Senator's desk.

CHAPTER 3

Committees

S30-10. Committee appointments. (1) There is a Committee on Committees consisting of six members of the majority party. If the Senate is evenly divided between parties, the committee shall consist of six Senators, three from the majority party and three from the minority party.

(2) The Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, joint committees, and interim committees. Prior to making committee assignments, the Committee on Committees shall take into consideration the recommendations of the minority leader for minority committee assignments.

(3) The minority leader shall designate the ranking minority member for each standing committee.

(4) The President of the Senate shall appoint all conference committees and select committees, with the advice of the majority leader and minority leader.

(5) The Senate may change the membership of any committee on 1 day's notice.

S30-20. Standing committees -- classification. (1) The standing committees of the Senate are as follows:

(a) class one committees:

(i) Business, Labor, and Economic Affairs;

(ii) Finance and Claims;

(iii) Judiciary; and

(iv) Taxation;

(b) class two committees:

(i) Education and Cultural Resources;

(ii) Local Government;

(iii) Natural Resources;

(iv) Public Health, Welfare, and Safety; and

(v) State Administration;

(c) class three committees:

(i) Agriculture, Livestock, and Irrigation;

(ii) Energy and Telecommunications;

(iii) Fish and Game; and

(iv) Highways and Transportation; and

(d) on-call committees:

(i) Ethics;

(ii) Legislative Administration; and

(iii) Rules.

(2) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(3) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

S30-40. Ex officio members -- quorum. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be physically or remotely present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The majority leader and the minority leader are ex officio nonvoting members of all committees in order to establish a quorum. As ex officio nonvoting members of a committee, the majority leader and minority leader have the privileges of a committee member pursuant to S30-70(13)(a), (13)(c), and (13)(d).

S30-50. Chair's duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

(a) maintaining order within the committee room and its environs;

(b) scheduling hearings and executive action;

(c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis; and

(d) authenticating committee reports by signing them and submitting them promptly to the Secretary of the Senate. The chair shall sign business reports reflecting action taken in each committee meeting that enable the preparation of committee minutes. The minutes must be printed on archival paper.

(2) The Secretary of the Senate shall arrange to have the minutes copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy must be delivered to the Montana Historical Society.

S30-60. Meetings -- notice -- purpose -- minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

(2) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing online and in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

(a) prior to the third legislative day;

(b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;

(c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or

(d) due to appropriate circumstances.

(3) When a committee hearing is scheduled with less than 3 days' notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

(4) Notice of conference committee hearings must be given as provided in Joint Rule 30-30.

(5) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(6) All committees meet at the call of the chair or upon the request of a majority of the members of the committee.

(7) A committee may not meet during the time the Senate is in session without leave of the President. Any Senator attending a meeting while the Senate is in session must be considered excused to attend business of the Senate subject to a call of the Senate.

(8) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members physically or remotely present, excused, or absent;

(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes; and

(f) all testimony and exhibits.

(9) If a bill is heard in a joint committee, it must be referred to a standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the Committee of the Whole.

(10) A bill or resolution may not be considered or become a law unless referred to a committee and returned from a committee.

(11) A bill may be rereferred at any time before its passage.

S30-70. Procedures -- member privileges. (1) The chair shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is physically or remotely present or unless the sponsor has given written consent.

(3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) At the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a committee shall finally dispose of a bill without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee without a hearing.

(4) The committee may not report a bill to the Senate without recommendation.

(5) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all proposed changes; and

(d) a fiscal note, if required.

(6) If a measure is taken from a committee and brought to the Senate floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the Senate that are formally adopted when the committee report is accepted by the Senate.

(7) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(8) The vote of each member on all committee actions must be recorded and reported in the committee minutes. All motions may be adopted only on the affirmative vote of a majority of the members voting.

(9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members physically or remotely present at any meeting of the committee.

(10) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(11) A committee may reconsider any action as long as the matter remains in the possession of the committee. A bill is in the possession of the committee until a report on the bill is made to the Committee of the Whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

(12) The chair shall decide points of order.

(13) The privileges of committee members, present physically or remotely, include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chair;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy, using a standard form.

(14) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

(15) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(16) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the Senate are applicable except as stated in the Senate Rules.

S30-80. Public testimony -- decorum -- time restrictions. (1) Subject to Joint Rule 30-05, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list or by electronic means.

(2) (a) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be required of any witness, but all witnesses may submit a statement in writing for the committee's official record.

(b) A person who is an employee of the state or a political subdivision of the state that is offering testimony on behalf of the state or political subdivision shall state in the person's oral or written testimony the specific entity or state officeholder that they are representing.

(3) The chair may order actions to maintain order in the committee meeting. During committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chair shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.

S30-100. Pairs prohibited -- absentee or proxy voting. Pairs in standing committee are prohibited. Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected in the committee minutes.

S30-140. Reconsideration in committee. A committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous action on legislation.

S30-150. Committee requested legislation. (1) (a) Except as provided in subsection (1)(b), at least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the drafting and introduction of legislation.

(b) The Finance and Claims Committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce, legislation requested by the committee. The introduced bill must be referred to the requesting committee.

S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator.

The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103;

(ii) 2-2-104;

(iii) 2-2-111;

(iv) 2-2-112; or

(v) Joint Rule 10-85;

(b) the use or threatened use of a Senator's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

(4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

CHAPTER 4

Legislation

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and signed by a Senator as chief sponsor. The types of legislation allowed include:

(1) bills of any subject, except appropriations;

(2) joint resolutions, which may be used for any purpose specified in Joint Rule 40-60; and

(3) simple resolutions, which may:

(a) adopt or amend Senate rules;

(b) provide for the internal affairs of the Senate;

(c) express confirmation of the Governor's appointments; or

(d) make recommendations concerning the districting and apportionment plan as provided by Article V, section 14(4), of the Montana Constitution.

S40-20. Introduction -- first reading. (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation. Legislation properly introduced or received in the Senate must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a Senator may question adherence to rules. Acknowledgment by the Secretary of the Senate of receipt of legislation transmitted from the House commences the time limit for consideration of the legislation. All legislation received by the Senate may be referred to a committee prior to being read across the rostrum.

(2) Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee, posted online, and printed prior to the legislative session. The Legislative Services Division is responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced legislation to the Secretary of the Senate.

(3) Upon referral to committee, the Secretary of the Senate shall publicly post a listing of the bill or resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

(4) The sponsor may ask the Legislative Services Division to change or correct a short title used on the bill status system.

S40-30. Cosponsors and additional sponsors. (1) Prior to submitting legislation to the Secretary of the Senate for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction, sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill or resolution. Forms for adding sponsors will be supplied on request by the Secretary of the Senate.

(3) Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

S40-40. Reading limitations. (1) Every bill must be read three times prior to passage, either by title or by summary of title as provided in these rules.

(2) A bill or resolution may not have more than one reading on the same day except the last legislative day.

(3) An amendment may not be offered on third reading.

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee or withdrawn from a committee by motion, accepted by the Senate, and posted online and reproduced must be scheduled for consideration by Committee of the Whole.

(2) Until the 50th legislative day, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole unless a posted or printed version of an unamended bill is available.

(3) The majority leader shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole.

CHAPTER 5

Floor Action

S50-10. Attendance -- mandatory voting -- quorum. (1) Unless excused by the President, majority leader, or minority leader, Senators must be physically present every sitting of the Senate and shall vote on questions put before the Senate.

(2) A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Governor;
(5) messages from the House of Representatives;
(6) first reading and commitment of bills;
(7) second reading of bills (Committee of the Whole);
(8) third reading of bills;
(9) motions;
(10) unfinished business;

(11) special orders of the day; and

(12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. A Senator may not speak more than twice on any one motion or question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion or question under debate, in which case the Senator may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to writing, presented at the rostrum, and read aloud by the Secretary.

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

(3) A motion is carried by a majority of the Senate present and voting unless otherwise stated in the Senate Rules.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions may be made:

(a) to adjourn (nondebatable S50-60);

(b) for a call of the Senate (nondebatable S50-60);

(c) to recess (nondebatable S50-60);

(d) question of privilege;

(e) to lay on the table (nondebatable S50-60);

(f) for the previous question (nondebatable S50-60);

(g) to postpone to a certain day;

(h) to refer or commit;

(i) to amend;

(j) subject to subsection (1)(k), to postpone indefinitely; and

(k) to postpone indefinitely on a bill or resolution after debate on second reading.

(2) The motions listed in subsection (1) have precedence in the order listed.

(3) Subject to subsection (1)(k), a question may be indefinitely postponed by a majority roll call of all Senators physically or remotely present and voting. When a bill or resolution is postponed indefinitely after debate on second reading, it is finally rejected and may not be acted upon again except upon a motion of reconsideration as provided in S50-90.

(4) A motion or proposition on a subject different from that under consideration may not be accepted unless a substitute motion is in order.

S50-60. Nondebatable motions. The following motions are not debatable:

(1) to adjourn;

(2) for a call of the Senate;

(3) to recess or rise;

(4) for parliamentary inquiry;

(5) for suspension of the rules;

(6) to lay on the table;

(7) for the previous question;

(8) to limit, extend the limits of, or to close debate;

(9) to amend an undebatable motion;

(10) to change a vote (S50-200);

(11) to pass business in Committee of the Whole;

(12) to take from the table;

(13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the question to the Senate for advice or decision; and

(14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

S50-70. Amending motions -- restrictions. (1) Subject to subsection (2), no more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.

(2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may not be amended.

S50-80. Previous question. (1) Except as provided in subsection (2), the effect of calling for the previous question, if adopted, is to close debate immediately, to prevent the offering of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise. The motion for the previous question is nondebatable as provided in S50-60(7).

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of that time to be given to the proponents and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may close on the motion regardless of whether debate on the main motion has occurred.

(3) A call of the Senate is not in order after the previous question is ordered unless it appears upon an actual count by the presiding officer that a quorum is not physically and remotely present.

S50-90. Reconsideration -- time restrictions. (1) Subject to subsection (6), any Senator may, on the day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(2) A motion to reconsider must be disposed of when made unless a proper substitute motion is made and adopted.

(3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of Representatives may be made only under Order of Business No. 9 and, under that order of business, takes precedence over all motions except motions to recess or adjourn.

(4) When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

(5) If a motion to reconsider third reading action is carried, there may not be further action until the

succeeding legislative day.

(6) If the Senate has adjourned for more than 2 days, then a motion to reconsider action taken on the last day the Senate was in session is in order on the day the Senate reconvenes or on the following legislative day.

S50-95. Rereferral. (1) Legislation that is in the possession of the Senate and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a Senate committee by a majority vote.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading, has been rereferred to

the Finance and Claims Committee pursuant to subsection (1), and is reported from committee without amendments may be placed on third reading.

(b) The third-reading agenda must specify that the legislation rereferred and reported from committee under subsection (2)(a) was rereferred to the Senate Finance and Claims Committee and reported from the committee without amendments as passed on second reading.

S50-100. Dividing a question -- segregation excluded. A Senator may request to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain. A vote is not required on a request to divide a question, but the chair may rule that a question is not divisible. The ruling of the chair may be appealed as provided in S20-10 and S20-20. For an appeal of a ruling of the presiding officer, the question for the Senate must be stated as, "Shall the ruling of the chair be upheld?". A motion to segregate pursuant to S50-140(4) is not a request to divide a question.

S50-110. Rules for questions or bills requiring other than a majority vote. (1) Except as provided in subsection (2), if a question or bill requires more than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the question or bill prior to third reading.

(2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not prevent a committee from indefinitely postponing or tabling a bill proposing an amendment to the Montana Constitution.

(3) If a bill has been amended in the House of Representatives and the amendments are accepted by

the Senate, the bill must again be placed on third reading in the Senate to determine if the required number of votes has been cast.

S50-120. Committee reports to Senate -- reconsideration. (1) Reports of standing committees must be read on Order of Business No. 2, and, if there is no objection to form, are considered adopted. Subject to subsection (4), debate may not be had on any report.

(2) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

(3) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee report shall do so on Order of Business No. 9 by motion to reconsider as provided in S50-90. Any Senator may make the reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary. Subject to S50-90(6), the reconsideration motion must be made within 1 legislative day of the adoption of the committee report and is not in order if the bill has been considered in Committee of the Whole.

(4) (a) Subject to subsection (4)(b), the Rules Committee and conference committees may report at any time, except during a call of the Senate, when a vote is being taken, or during Committee of the Whole.

(b) The Rules Committee may report during Committee of the Whole on matters referred to the Committee by the Committee of the Whole.

S50-130. Conference committee -- reports. (1) When a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day.

(2) If both the Senate and the House of Representatives adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(3) If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report.

(4) A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

S50-140. Second reading -- Committee of the Whole report -- segregation -- rejection. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

(3) All legislation considered in the Committee of the Whole must be read by a summary of its title. The sponsor shall make an opening statement, proposed amendments must be considered, and then the bill must be considered in its entirety.

(4) Prior to adoption of the Committee of the Whole report, a Senator may move to segregate legislation. If the motion prevails, the legislation remains on second reading.

(5) When a Committee of the Whole report on legislation is rejected, the legislation remains on second reading.

S50-150. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be referenced in the journal, along with the name of the sponsor and the vote on each.

S50-160. Motions in Committee of the Whole. (1) All proper motions on second reading are debatable unless specified in S50-60.

(2) The only motions in order during Committee of the Whole are to:

(a) recommend passage or nonpassage;

(b) recommend concurrence or nonconcurrence (House amendments to Senate legislation);

(c) amend;

(d) subject to subsection (2)(e), to postpone indefinitely;

(e) to postpone indefinitely on a bill or resolution after debate on second reading;

(f) pass consideration;

(g) change the order in which legislation is placed on the agenda (nondebatable S50-60(14));

(h) rise (nondebatable S50-60(3));

(i) rise and report progress and ask leave to sit again (nondebatable S50-60(3)); or

(j) rise and report (nondebatable S50-60(3)).

(3) The motions listed in subsection (2) may be made in descending order as listed.

S50-170. Committee of the Whole -- generally. (1) The Committee of the Whole may not appoint subcommittees.

(2) The Committee of the Whole may not punish its members for misconduct, but may report disorder to the Senate.

S50-180. Voting on second reading -- positive disposition of motions. (1) On Order of Business No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by an approved method of counting votes. The Secretary will then record the vote. The chair may then rule that unless excused those of the greater number and physically or remotely present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those physically or remotely present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-190. Third reading procedure. (1) Unless rereferred to a committee by a majority vote after the adoption of the Committee of the Whole report but before adjournment for the day, all legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) On Order of Business No. 8 the Secretary shall read the title and the President shall state the question as follows: "Senate bill number (or other appropriate identification)..... having been read three several times, the question is, shall the bill (or other appropriate identification) pass the Senate?"

(3) If an electronic voting system is used, the President shall state "Those in favor vote yes and those opposed vote no" and the Secretary will sound the signal and open the board for voting. After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause), "Does any member wish to change his or her vote?" (reasonable pause), "The Secretary will record the vote."

S50-200. Senate voting -- changing a vote -- objection. (1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators physically or remotely present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator's vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within 10 minutes of the malfunction.

S50-220. Call of the Senate without a quorum. (1) In the absence of a quorum, a majority of Senators physically and remotely present may compel the attendance of absent Senators by ordering a call of the Senate. A call of the Senate is not in order if a majority of Senators are physically and remotely present.

(2) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators

present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

(3) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. When a quorum has been achieved under the call, the call is automatically lifted. The call may be removed by a two-thirds vote of the members physically or remotely present.

S50-230. House amendments to Senate legislation. (1) When the House has properly returned Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate legislation with House amendments to a committee for a hearing if the House amendments constitute a significant change in the Senate legislation. The second reading vote is limited to consideration of the House amendments.

(2) If the Senate accepts House amendments, the Senate shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the Senate rejects the House amendments, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee.

S50-240. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the Senate and the House of Representatives accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the Senate shall place the final form of the legislation on third reading to determine if the required vote is obtained.

S50-250. Governor's veto. (1) When the Governor returns a bill with a veto, the Senate shall announce the veto under Order of Business No. 4.

(2) On any legislative day, a Senator may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 6

Rules

S60-10. Senate rules -- amendment -- adoption -- suspension. (1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) Subject to subsection (3), a rule may be suspended temporarily by a three-fifths vote.

(3) During a special session of the Legislature, the rules may be suspended by a majority vote.

S60-20. Mason's Manual of Legislative Procedure. The most recent publication of Mason's Manual of Legislative Procedure governs the proceedings of the Senate in all cases not covered by these rules.

S60-30. Joint rules superseded. A Senate rule, insofar as it relates to the internal proceedings of the Senate, supersedes a joint rule.

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Receiving nominations -- requesting bill drafts. (1) Nominations received from the Governor must be:

(a) received by the President;

(b) delivered to the Secretary of the Senate; and

(c) read under Order of Business No. 4, messages from the Governor.

(2) The Secretary shall distribute a copy of the list of nominations to each Senator.

(3) (a) The President of the Senate shall submit a bill draft request for a resolution for each nominee or each group of nominees read under Order of Business No. 4. These bill draft requests will not count against any bill draft request limit imposed on the President of the Senate.

(b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair or other member of the Senate to introduce the simple resolution.

S70-30. Committee process -- separate consideration. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.

(2) (a) Except as provided in subsection (2)(b), following the hearings for a group of nominees, the committee shall issue standing committee reports to be considered on second reading, stating the committee's recommendations concerning the nominees.

(b) Following the hearings for the group of nominees, if a committee member wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees being considered by the committee, the committee member may prepare an amendment for executive action to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, the committee member that offered the amendment shall make a motion to request a committee resolution for the nominee or nominees to be considered by a separate resolution. A simple majority of the committee is sufficient in order to request a separate committee resolution.

(3) Within the Committee of the Whole, if a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may prepare a floor amendment to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, a Senator may make a motion to request that the President of the Senate submit a bill draft request for that the nominee or nominees to be considered by a separate resolution.

(4) When the resolution for an individual or group nomination has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the

committee's standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(6) After the report has been read, the resolution must be placed on Order of Business No. 7 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated. Approval upon second reading constitutes confirmation of the Governor's nominee. A motion to reconsider the approval or disapproval of a nomination made on second reading must occur within one legislative day. A motion to reconsider may not be made if the resolution approving a confirmation is no longer in the possession of the Senate.

Appendix A

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

(1) a motion to lift a call of the Senate pursuant to S50-220(3) (two-thirds of the members physically or remotely present);

(2) a motion to suspend rules during a regular session pursuant to S60-10 (three-fifths);

(3) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(4) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);

(5) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);

(6) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);

(7) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);

(8) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(9) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and

(10) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).

Adopted January 5, 2023

SENATE RESOLUTION NO. 2

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE STATE PARKS AND RECREATION BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the State Parks and Recreation Board, in accordance with section 2-15-3406, MCA:

Liz Whiting, Great Falls, Montana, appointed to a term ending January 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 25, 2023

SENATE RESOLUTION NO. 3

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE FISH AND WILDLIFE COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Fish and Wildlife Commission, in accordance with section 2-15-3402, MCA:

Susan Brooke, Bozeman, Montana, appointed to a term ending January 1, 2027.

Jeff Burrows, Hamilton, Montana, appointed to a term ending January 1, 2027.

Bill Lane, Ismay, Montana, appointed to a term ending January 5, 2025.

Lesley Robinson, Dodson, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 24, 2023

SENATE RESOLUTION NO. 4

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Public Employees' Retirement Board, in accordance with section 2-15-1009, MCA:

Sonja Woods, Miles City, Montana, appointed to a term ending April 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 5

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Investments, in accordance with section 2-15-1808, MCA:

Porter Bennett, Pony, Montana, for a term ending January 1, 2027.

Tim Kober, Butte, Montana, for a term ending January 1, 2027.

Daniel Trost, Helena, Montana, for a term ending January 5, 2025.

Cindy Younkin, McAllister, Montana, for a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 6

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE JUDICIAL STANDARDS COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Judicial Standards Commission, in accordance with section 3-1-1101, MCA:

Seth Berglee, Bigfork, Montana, appointed to a term ending July 1, 2023.

Roger Webb, Park City, Montana, appointed to a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 7

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE TWENTIETH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 9, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Judge of the Twentieth Judicial District, in accordance with section 3-1-906, MCA:

Molly Owen, Polson, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 8, 2023

SENATE RESOLUTION NO. 8

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE TENTH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 9, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Judge of the Tenth Judicial District, in accordance with section 3-1-906, MCA:

Heather Perry, Hobson, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 3, 2023

SENATE RESOLUTION NO. 9

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Crime Control, in accordance with section 2-15-2008, MCA:

Doug Overman, Kalispell, Montana, appointed to a term ending January 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 10

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PARDONS AND PAROLE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Pardons and Parole, in accordance with section 2-15-2305, MCA:

Brad Newman, Butte, Montana, appointed to a term ending January 1, 2029.

James Patelis, Billings, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 3, 2023

SENATE RESOLUTION NO. 11

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA TAX APPEAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Tax Appeal Board, in accordance with section 15-2-101, MCA:

Travis Brown, Helena, Montana, appointed to a term ending January 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 14, 2023

SENATE RESOLUTION NO. 12

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF RESPIRATORY CARE PRACTITIONERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Respiratory Care Practitioners, in accordance with section 2-15-1750, MCA:

Tony Miller, Joplin, Montana, appointed to a term ending December 31, 2024.

Brian Cayko, Great Falls, Montana, appointed to a term ending December 31, 2024.

Melissa Wells, Red Lodge, Montana, appointed to a term ending December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 6, 2023

SENATE RESOLUTION NO. 13

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MEDICAL EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Medical Examiners, in accordance with section 2-15-1731, MCA:

Ana Diaz, Billings, Montana, appointed to a term ending September 1, 2025.

Christine Emerson, Helena, Montana, appointed to a term ending September 1, 2025.

James Guyer, Billings, Montana, appointed to a term ending September 1, 2025.

Gina Painter, Helena, Montana, appointed to a term ending September 1, 2026.

Tony Pfaff, Deer Lodge, Montana, appointed to a term ending September 1, 2025.

Carley Robertson, Havre, Montana, appointed to a term ending September 1, 2026.

Adam Smith, Polson, Montana, appointed to a term ending September 1, 2026.

Connie Wethern, Glasgow, Montana, appointed to a term ending September 1, 2025.

Brooke Yates, Red Lodge, Montana, appointed to a term ending September 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 14

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF NURSING HOME ADMINISTRATORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Nursing Home Administrators, in accordance with section 2-15-1735, MCA:

Kelly Bilau, Kalispell, Montana, appointed to a term ending June 1, 2027.

Mitch Hartley, Great Falls, Montana, appointed to a term ending June 1, 2027.

Carla Neiman, Plains, Montana, appointed to a term ending June 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 6, 2023

SENATE RESOLUTION NO. 15

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE ALTERNATIVE HEALTH CARE BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Alternative Health Care Board, in accordance with section 2-15-1730, MCA:

Sheehan Ednie-Rosen, Victor, Montana, appointed to a term ending September 1, 2026.

Ashley Hinton-Sharp, Missoula, Montana, appointed to a term ending August 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 23, 2023

SENATE RESOLUTION NO. 16

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF BEHAVIORAL HEALTH MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Behavioral Health, in accordance with section 2-15-1744, MCA:

Megan Bailey, Missoula, Montana, appointed to a term ending January 1, 2027.

Laura Dever, Polson, Montana, appointed to a term ending January 1, 2027.

Carol Staben Burroughs, Bozeman, Montana, appointed to a term ending January 1, 2027.

Joelle Johnson, East Helena, Montana, appointed to a term ending January 5, 2025.

Joseph Suchanic, Missoula, Montana, appointed to a term ending January 5, 2025.

Mona Sumner, Billings, Montana, appointed to a term ending January 1, 2027.

Annette Redding, Billings, Montana, appointed to a term ending January 5, 2025.

Shari Rigg, Missoula, Montana, appointed to a term ending January 5, 2025.

Erin Williams, Missoula, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 17

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CHIROPRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Chiropractors, in accordance with section 2-15-1737, MCA:

Dustin Rising, Bozeman, Montana, appointed to a term ending January 1, 2025.

Marcus Nynas, Billings, Montana, appointed to a term ending December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 8, 2023

SENATE RESOLUTION NO. 18

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF RADIOLOGIC TECHNOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Radiologic Technologists, in accordance with section 2-15-1738, MCA:

Jessica Bradley, Circle, Montana, appointed to a term ending July 1, 2025.

Tamara Harp, Anaconda, Montana, appointed to a term ending July 1, 2025.

Mike Nielsen, Billings, Montana, appointed to a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 8, 2023

SENATE RESOLUTION NO. 19

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PSYCHOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Psychologists, in accordance with section 2-15-1741, MCA:

Loretta Bolyard, Butte, Montana, appointed to a term ending September 1, 2026.

Jackie Mohler, Helena, Montana, appointed to a term ending September 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 8, 2023

SENATE RESOLUTION NO. 20

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PHYSICAL THERAPY EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Physical Therapy Examiners, in accordance with section 2-15-1748, MCA:

Bonnie Larson, Troy, Montana, appointed to a term ending June 30, 2024.

Anna Larson, Helena, Montana, appointed to a term ending June 30, 2024.

Bridgett Mennie, Laurel, Montana, appointed to a term ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 8, 2023

SENATE RESOLUTION NO. 21

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PHARMACY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Pharmacy, in accordance with section 2-15-1733, MCA:

Gail Tronstad, Helena, Montana, appointed to a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2023

SENATE RESOLUTION NO. 22

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OPTOMETRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Optometry, in accordance with section 2-15-1736, MCA:

Kristi Schied, Billings, Montana, appointed to a term ending April 1, 2025.

Ron Benner, Laurel, Montana, appointed to a term ending April 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2023

SENATE RESOLUTION NO. 23

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MASSAGE THERAPY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Massage Therapy, in accordance with section 2-15-1782, MCA:

Susan Carlson, Billings, Montana, appointed to a term ending July 1, 2026.

Dr. John Griffin, Helena, Montana, appointed to a term ending April 30, 2025.

Jennifer Roth, Billings, Montana, appointed to a term ending April 30, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2023

SENATE RESOLUTION NO. 24

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF DENTISTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Robert Beitman, Bozeman, Montana, appointed to a term ending March 31, 2026.

Allen Casteel, Great Falls, Montana, appointed to a term ending April 1, 2027.

Jim Corson, Billings, Montana, appointed to a term ending April 1, 2027.

Jill Frazier, Missoula, Montana, appointed to a term ending April 1, 2027.

Renee Parsley Mulcahy, Helena, Montana, appointed to a term ending April 1, 2027.

Kyle Wassmer, Billings, Montana, appointed to a term ending March 31, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 9, 2023

SENATE RESOLUTION NO. 25

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Speech-Language Pathologists and Audiologists, in accordance with section 2-15-1739, MCA:

Jennifer Pfau, Lewistown, Montana, appointed to a term ending December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 14, 2023

SENATE RESOLUTION NO. 26

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERINARY MEDICINE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Veterinary Medicine, in accordance with section 2-15-1742, MCA:

Marcia Cantrell, Livingston, Montana, appointed to a term ending August 1, 2028.

Greg Carlson, Lewistown, Montana, appointed to a term ending August 1, 2027.

Jeanne Rankin, Raynsford, Montana, appointed to a term ending July 30, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 3, 2023

SENATE RESOLUTION NO. 27

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HAIL INSURANCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Jim Schillinger, Circle, Montana, appointed to a term ending May 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 3, 2023

SENATE RESOLUTION NO. 28

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Agriculture, in accordance with sections 2-15-111 and 2-15-3001, MCA:

Christy Clark, Helena, Montana, appointed to a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 29

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF REALTY REGULATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Realty Regulation, in accordance with section 2-15-1757, MCA:

William Grant, Helena, Montana, appointed to a term ending January 5, 2025.

Sharon Virgin, Great Falls, Montana, appointed to a term ending April 30, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 13, 2023

SENATE RESOLUTION NO. 30

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF REAL ESTATE APPRAISERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Real Estate Appraisers, in accordance with section 2-15-1785, MCA:

Matt Dalton, Helena, Montana, appointed to a term ending March 31, 2025.

Patti Dundas, Billings, Montana, appointed to a term ending April 30, 2024.

Steven Hall, Missoula, Montana, appointed to a term ending April 30, 2024.

Michael McDonnell, Three Forks, Montana, appointed to a term ending March 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 13, 2023

SENATE RESOLUTION NO. 31

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE HISTORICAL SOCIETY BOARD OF TRUSTEES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 3, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:

Carol Donaldson, Kalispell, Montana, appointed to a term ending June 30, 2026.

Mary Helland, Glasgow, Montana, appointed to a term ending July 1, 2027.

Lorna Kuney, Helena, Montana, appointed to a term ending June 30, 2026.

Steve Lozar, Polson, Montana, appointed to a term ending July 1, 2027.

Jay Russell, Great Falls, Montana, appointed to a term ending June 30, 2026.

Bill Whitsitt, Bigfork, Montana, appointed to a term ending July 1, 2027.

Candi Zion, Winifred, Montana, appointed to a term ending July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 20, 2023

SENATE RESOLUTION NO. 32

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Jeff Southworth, Lewistown, Montana, appointed to a term ending February 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 20, 2023

SENATE RESOLUION NO. 33

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Renee Rasmussen, Clancy, Montana, appointed to a term ending February 1, 2029.

Ron Slinger, Miles City, Montana, appointed to a term ending February 1, 2030.

Tim Tharp, Savage, Montana, appointed to a term ending February 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 15, 2023

SENATE RESOLUTION NO. 34

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PRIVATE SECURITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Private Security, in accordance with section 2-15-1781, MCA:

Heidi Visocan, Plentywood, Montana, appointed to a term ending August 1, 2024.

Gabe Zeiler, Sidney, Montana, appointed to a term ending August 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 35

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Horseracing, in accordance with section 2-15-1809, MCA:

Janis Calton, Bigfork, Montana, appointed to a term ending January 1, 2025.

Corey Jones, Miles City, Montana, appointed to a term ending January 1, 2025.

Dr. Kerry Pride, Silver Star, Montana, appointed to a term ending January 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 17, 2023

SENATE RESOLUTION NO. 36

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF FUNERAL SERVICE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Funeral Service, in accordance with section 2-15-1743, MCA:

Jim Axelson, Butte, Montana, appointed to a term ending July 1, 2027.

Daniel McGrath, Butte, Montana, appointed to a term ending July 1, 2027.

Jayson Watkins, Kalispell, Montana, appointed to a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 37

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE ELECTRICAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Staci Knuths, Glendive, Montana, appointed to a term ending July 1, 2026.

Clay Ledbetter, Missoula, Montana, appointed to a term ending July 1, 2024.

Merna Terry, Kalispell, Montana, appointed to a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 38

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF BARBERS AND COSMETOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Barbers and Cosmetologists, in accordance with section 2-15-1747, MCA:

Paula Evans, Missoula, Montana, appointed to a term ending March 1, 2025.

Angela Printz, Livingston, Montana, appointed to a term ending March 1, 2026.

Lauren Hansen, Missoula, Montana, appointed to a term ending March 1, 2025.

Bryan Kirkland, Bozeman, Montana, appointed to a term ending March 1, 2027.

Tucker Landerman, Kalispell, Montana, appointed to a term ending March 1, 2026.

Katie Fontana, Great Falls, Montana, appointed to a term ending March 1, 2024.

Kelli Dirks, Sidney, Montana, appointed to a term ending March 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 13, 2023

SENATE RESOLUTION NO. 39

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PUBLIC ACCOUNTANTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Public Accountants, in accordance with section 2-15-1756, MCA:

Sarah Ann Hamlen, White Sulphur Springs, Montana, appointed to a term ending July 1, 2026.

Mike Huotte, Anaconda, Montana, appointed to a term ending July 1, 2026.

John Jacobsen, Billings, Montana, appointed to a term ending July 1, 2026.

Mike Johns, Deer Lodge, Montana, appointed to a term ending June 30, 2025.

Dan Vuckovich, Great Falls, Montana, appointed to a term ending June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 40

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PLUMBERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Plumbers, in accordance with section 2-15-1765, MCA:

Karl Carlson, Billings, Montana, appointed to a term ending May 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 13, 2023

SENATE RESOLUTION NO. 41

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Architects and Landscape Architects, in accordance with section 2-15-1761, MCA:

Matt Faure, Bozeman, Montana, appointed to a term ending March 31, 2024.

Maire O'Neill Conrad, Bozeman, Montana, appointed to a term ending April 1, 2025.

Nathan Steiner, Billings, Montana, appointed to a term ending April 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 42

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Professional Engineers and Professional Land Surveyors, in accordance with section 2-15-1763, MCA:

Wallace Gladstone, Billings, Montana, appointed to a term ending June 30, 2024.

Pat Goodover, II, Great Falls, Montana, appointed to a term ending July 1, 2026.

Troy Jensen, Sidney, Montana, appointed to a term ending July 1, 2026.

Byron Stahly, Helena, Montana, appointed to a term ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 1, 2023

SENATE RESOLUTION NO. 43

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HOUSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Housing, in accordance with 2-15-1814, MCA:

Tonya Plummer, Hays, Montana, appointed to a term ending January 5, 2025.

John Wright, Billings, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 17, 2023

SENATE RESOLUTION NO. 44

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF WATER WELL CONTRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Water Well Contractors, in accordance with section 2-15-3307, MCA:

Doug Askin, Miles City, Montana, appointed to a term ending June 30, 2024.

Andy Eslinger, Corvallis, Montana, appointed to a term ending June 30, 2023.

Will Hayes, Livingston, Montana, appointed to a term ending July 1, 2025.

Dan O'Keefe, Butte, Montana, appointed to a term ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 46

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF SANITARIANS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Sanitarians, in accordance with section 2-15-1751, MCA:

Megan Bullock, Boulder, Montana, appointed to a term ending July 1, 2026.

Van Puckett, Twin Bridges, Montana, appointed to a term ending July 1, 2025.

Matt Strozewski, Boulder, Montana, appointed to a term ending July 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 14, 2023

SENATE RESOLUTION NO. 47

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA ARTS COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, AND JANUARY 18, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Arts Council, in accordance with section 2-15-1513, MCA:

Troy Collins, Hamilton, Montana, appointed to a term ending February 1, 2027.

Julie Mac, Whitefish, Montana, appointed to a term ending February 1, 2027.

John Moore, Miles City, Montana, appointed to a term ending February 1, 2027.

Greg Murphy, Billings, Montana, appointed to a term ending February 1, 2027.

Bridger Pierce, Missoula, Montana, appointed to a term ending February 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 20, 2023

SENATE RESOLUTION NO. 48

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF NURSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, AND JANUARY 18, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Nursing, in accordance with section 2-15-1734, MCA:

Alicia Beagles, Great Falls, Montana, appointed to a term ending July 1, 2026.

Lee Ann Evatt, Fairfield, Montana, appointed to a term ending July 1, 2026.

Betsy Mancuso, Manhattan, Montana, appointed to a term ending July 1, 2026.

Desma Meissner, Great Falls, Montana, appointed to a term ending July 1, 2024.

Russell Motschenbacher, Great Falls, Montana, appointed to a term ending June 30, 2025.

Constance Neumann, Kila, Montana, appointed to a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 14, 2023

SENATE RESOLUTION NO. 49

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE COMMISSIONER OF POLITICAL PRACTICES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 23, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Commissioner of Political Practices, in accordance with section 13-37-102, MCA:

Chris Gallus, Helena, Montana, appointed to a term ending January 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 14, 2023

SENATE RESOLUTION NO. 50

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 11, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Public Health and Human Services, in accordance with sections 2-15-111 and 2-15-2201, MCA:

Charles Brereton, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 22, 2023

SENATE RESOLUTION NO. 51

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 27, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Norris Blossom, Bozeman, Montana, appointed to a term ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 20,2023

SENATE RESOLUTION NO. 52

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE LIVESTOCK LOSS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Livestock Loss Board, in accordance with section 2-15-3110, MCA:

Raina Blackman, Wolf Creek, Montana, appointed to a term ending January 1, 2027.

Dave McEwen, Galata, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted February 28, 2023

SENATE RESOLUTION NO. 53

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA RECOGNIZING THE SERVICE OF MIKE DENNISON, A MONTANA NEWSPERSON.

WHEREAS, the Montana Senate recognizes and values the role of a free press in a free society; and

WHEREAS, senators appreciate journalists who stick to the facts, report events as they happen without injecting their personal opinions, and track down the objective truth on the most important stories; and

WHEREAS, senators acknowledge the years of work necessary for a reporter to build trust both with sources and the public; and

WHEREAS, journalist Mike Dennison spent decades living up to the ideals all reporters should aspire to; and

WHEREAS, Mike Dennison earned a reputation of mutual respect and trust from elected officials, politicians, business people, his peers in journalism, the downtrodden, and the public at large; and

WHEREAS, people from all political parties knew they could count on Mike Dennison to report the facts, get to the truth, and be fair and objective in his news coverage; and

WHEREAS, Mike Dennison recently retired after a successful career informing Montanans on the most important topics facing our state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana:

(1) thanks Mike Dennison for his service to the people of Montana;

(2) congratulates him on and wishes him the very best in his retirement; and

(3) encourages Montana's reporters to follow his example of excellent journalism in the Last Best Place.

Adopted April 20, 2023

SENATE RESOLUTION NO. 56

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 14, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Horseracing, in accordance with section 2-15-1809, MCA:

Cindy Johnson, Boulder, Montana, appointed to a term ending January 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 17, 2023

SENATE RESOLUTION NO. 57

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HOUSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 14, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Housing, in accordance with section 2-15-1814, MCA:

Jeanette McKee, Hamilton, Montana, appointed to a term ending January 1, 2027.

Sheila Rice, Great Falls, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 17, 2023

SENATE RESOLUTION NO. 58

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA HONORING THE LIFE AND WORK OF CHARLES S. JOHNSON.

WHEREAS, Charles S. Johnson was born in Montana and dedicated his life to observing, documenting, and explaining the state and its people; and

WHEREAS, while the name Charles S. Johnson graced newspaper bylines in the state for nearly half a century over the most important of stories, the dean of Montana journalism always introduced himself as simply, Chuck; and

WHEREAS, one of Chuck's first reporting assignments was covering the 1972 Constitutional Convention where he could not believe his good fortune to have a front row seat to history in the making; and

WHEREAS, his experience with the building of the state constitution became the cornerstone of Chuck's career as the state's longest-serving statehouse reporter; and

WHEREAS, despite his stature and intellect, Chuck never thought he was more important or interesting than anyone he covered. He treated those he encountered with respect and curiosity, be it a U.S. Senator, a governor, or a committee secretary; and

WHEREAS, Chuck's grin and gentle demeanor made him approachable to generations of young journalists who quickly learned that he was generous with his time and knowledge, not just for a minute, but for a lifetime. He continued to be a mentor, friend, and cheerleader for them until his last day; and

WHEREAS, Chuck saw each day as an opportunity to learn. Most of us eschew change, but Chuck treated life as a developing story. Ink ran in his veins, yet he embraced the opportunity to tell stories in any medium—he found his way into radio, television and was tweeting gems until the end; and

WHEREAS, those who were interviewed by Charles S. Johnson could expect him to offer the benefit of the doubt and exercise fairness, but his loyalty was always anchored to the truth; and

WHEREAS, Chuck would note that we buried the lede: He was the best of Montana in all respects. He is missed and remembered.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That Montanans remember Chuck Johnson as a man of integrity, a student of history who sought knowledge daily, and a fearless reporter who pursued truth, justice, and accuracy in the service of the state he loved.

BE IT FURTHER RESOLVED, that the Montana Legislature is encouraged to commemorate the life of Charles S. Johnson on the capitol grounds where he spent many days and nights finding and telling stories that no one would otherwise know.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the Governor, and the presidents of the University of Montana and Montana State University, both of which awarded degrees to Charles S. Johnson.

BE IT FURTHER RESOLVED, that the Secretary of State also send a copy of this resolution to every news outlet in the state, including newspapers,

radio stations, television stations, and online publications, as a reminder for journalists to practice the craft the way Charles S. Johnson did: honestly, humbly, and tirelessly to the end.

Adopted April 19, 2023

SENATE RESOLUTION NO. 59

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 13, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Steven Durrett, Billings, Montana, appointed to a term ending January 1, 2027.

Paul Gatzemeier, Billings, Montana, appointed to a term ending January 1, 2027.

William Tietz, Helena, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 3, 2023

SENATE RESOLUTION NO. 60

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE UNEMPLOYMENT INSURANCE APPEALS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Unemployment Insurance Appeals Board, in accordance with section 2-15-1704, MCA:

Derek Oestreicher, Helena, Montana, appointed to a term ending January 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted APril 12, 2023

SENATE RESOLUTION NO. 61

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE HUMAN RIGHTS COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 10, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Human Rights Commission, in accordance with section 2-15-1706, MCA:

Richard Bartos, Helena, Montana, appointed to a term ending January 1, 2027.

Brian Molina, Box Elder, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 12, 2023

SENATE RESOLUTION NO. 62

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF ENVIRONMENTAL REVIEW MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 27, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Environmental Review, in accordance with section 2-15-3502, MCA:

Julia Altemas, Missoula, Montana, appointed to a term ending January 1, 2027.

Lee Bruner, Whitehall, Montana, appointed to a term ending January 1, 2025.

Jennifer Rankosky, Kalispell, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 30, 2023

SENATE RESOLUTION NO. 63

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF ENVIRONMENTAL REVIEW MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 2, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Environmental Review, in accordance with section 2-15-3502, MCA:

Stacy Aguirre, Glendive, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 30, 2023

SENATE RESOLUTION NO. 64

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF LIVESTOCK MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 1, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Livestock, in accordance with section 2-15-3102, MCA:

Lillian Andersen, Livingston, Montana, appointed to a term ending March 1, 2029.

Nina Baucus, Wolf Creek, Montana, appointed to a term ending March 1, 2029.

William Kleinsasser, III, Augusta, Montana, appointed to a term ending March 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 31, 2023

SENATE RESOLUTION NO. 65

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF CHIEF WATER JUDGE MADE BY THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 13, 2023, TO THE SENATE.

WHEREAS, the Chief Justice of the Supreme Court of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Chief Justice pursuant to section 3-7-221, MCA:

As the Chief Water Judge of the State of Montana, in accordance with section 3-7-221, MCA:

Russell McElyea, Bozeman, Montana, appointed to a term ending July 31, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 3, 2023

SENATE RESOLUTION NO. 66

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REAL ESTATE APPRAISERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 16, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Real Estate Appraisers, in accordance with section 2-15-1758, MCA:

Peter T. Christensen, Bozeman, Montana, appointed to a term ending April 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 12, 2023

SENATE RESOLUTION NO. 67

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE COMPENSATION INSURANCE FUND BOARD OF DIRECTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 1, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the State Compensation Insurance Fund Board of Directors, in accordance with section 2-15-1019, MCA:

Nancy Butler, Helena, Montana, appointed to a term ending March 31, 2027.

Wylie Galt, Martinsdale, Montana, appointed to a term ending March 31, 2027.

Dexter Thiel, Sidney, Montana, appointed to a term ending March 31, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 12, 2023

SENATE RESOLUTION NO. 68

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE STATE PARKS AND RECREATION BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 16, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of State Parks and Recreation Board, in accordance with section 2-15-3406, MCA:

John Marancik, Laurel, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 25, 2023

SENATE RESOLUTION NO. 69

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA URGING CONGRESS TO INCLUDE MONTANANS IN THE RADIATION EXPOSURE COMPENSATION ACT.

WHEREAS, from 1945 to 1962, the U.S. government conducted over 200 above-ground nuclear tests, exposing tens of thousands of people in downwind areas to deadly radiation; and

WHEREAS, Montana is one of the most impacted "downwind" states and home to 15 of the 25 most exposed counties in the United States, including Meagher, Broadwater, Beaverhead, Chouteau, Jefferson, Powell, Judith Basin, Madison, Fergus, Gallatin, Petroleum, Lewis and Clark, Blaine, Silver Bow, and Deer Lodge Counties; and

WHEREAS, this issue is important to many Montanans who have suffered and even died from radiation exposure, and may not even know their cancers were caused by our nation's nuclear testing; and

WHEREAS, the current compensation available for those impacted by U.S. nuclear weapons development and testing is still not available for impacted Montanans, even though the 1997 study by the U.S. government indicated that Montana should be included in the Radiation Exposure Compensation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the U.S. Congress pass amendments to include Montanans in the Radiation Exposure Compensation Act.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the members of the United States House of Representatives and the United States Senate.

Adopted April 25, 2023

SENATE RESOLUTION NO. 71

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE NINTH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 5, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Judge of the Ninth Judicial District, in accordance with section 3-1-906, MCA:

Gregory Bonilla, Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 19, 2023

SENATE RESOLUTION NO. 72

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 13, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Coal Board, in accordance with section 2-15-1821, MCA:

Sandra Jones, Roundup, Montana, appointed to a term ending January 1, 2027.

Tim Schaff, Roundup, Montana, appointed to a term ending January 1, 2027.

Sandra Tutvedt, Kalispell, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 29, 2023

SENATE RESOLUTION NO. 73

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 14, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Crime Control, in accordance with section 2-15-2008, MCA:

Laurie Barron, Whitefish, Montana, appointed to a term ending January 1, 2027.

Eric Bryson, Helena, Montana, appointed to a term ending January 1, 2027.

Richard Kirn, Poplar, Montana, appointed to a term ending January 1, 2027.

Amanda Myers, Great Falls, Montana, appointed to a term ending January 1, 2027.

Beth McLaughlin, Helena, Montana, appointed to a term ending January 1, 2027.

Kaydee Ruiz, Havre, Montana, appointed to a term ending January 1, 2027.

Brett Schandelson, Missoula, Montana, appointed to a term ending January 1, 2027.

Katie Weston, Billings, Montana, appointed to a term ending January 5, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 29, 2023

SENATE RESOLUTION NO. 74

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF AERONAUTICS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 10, 2023, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Aeronautics, in accordance with section 2-15-2506, MCA:

Robert Bergeson, Seeley Lake, Montana, appointed to a term ending January 1, 2027.

Matthew Prinkki, Billings, Montana, appointed to a term ending January 1, 2027.

Bill Lepper, Whitefish, Montana, appointed to a term ending January 1, 2027.

Tom Schoenleben, Stevensville, Montana, appointed to a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 68th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 29, 2023

2022 BALLOT ISSUES

Approved by Voters in the November 2022 General Election

CONSTITUTIONAL AMENDMENT NO. 48

AN AMENDMENT TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

C-48 is a constitutional amendment to amend Article II, section 11 of the Montana Constitution to specifically protect electronic data and communications from unreasonable search and seizures.

THE COMPLETE TEXT OF SENATE BILL NO. 203, REFERRED BY C-48

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 11, OF THE MONTANA CONSTITUTION TO EXPLICITLY INCLUDE ELECTRONIC DATA AND COMMUNICATIONS IN SEARCH AND SEIZURE PROTECTIONS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Article II, section 11, of The Constitution of the State of Montana is amended to read:

"Section 11. Searches and seizures. The people shall be secure in their persons, papers, *electronic data and communications,* homes, and effects from unreasonable searches and seizures. No warrant to search any place, ~~or~~ *to* seize any person or thing*, or to access electronic data or communications* shall issue without describing the place to be searched or the person or thing to be seized, or without probable cause, supported by oath or affirmation reduced to writing."

Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

Section 3. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of [this act] and the following:

Constitutional Amendment No. 48 was approved by the following vote at the General Election held November 8, 2022:

For:	365,091
Against:	78,334

TABLES

CODE SECTIONS AFFECTED

This table was compiled before the codification process was completed. It does not reflect certain sections affected by name change amendments. It does reflect all other substantive changes. Those sections for which renumbering is not attributed to a particular chapter and bill number were renumbered by the Code Commissioner under the authority of 1-11-204(3)(a)(ii), MCA.

Title-Chapter-Section	Action	Chapter No.	Bill No.
1-1-201	amended	Ch. 685	SB 458
1-1-207	amended	Ch. 641	SB 11
1-1-528	enacted	Ch. 550	HB 880
1-2-117	enacted	Ch. 402	SB 154
2-2-101	amended	Ch. 440	SB 252
2-2-102	amended	Ch. 440	SB 252
	amended	Ch. 559	HB 412
2-2-103	amended	Ch. 440	SB 252
	amended	Ch. 559	HB 412
2-2-111	amended	Ch. 30	HB 150
2-2-121	amended (void — sec. 8(1), Ch. 559)	Ch. 83	HB 167
	amended (void — sec. 8(2), Ch. 559)	Ch. 326	SB 128
	amended	Ch. 559	HB 412
2-2-122	enacted	Ch. 559	HB 412
2-2-136	amended	Ch. 440	SB 252
	amended	Ch. 559	HB 412
2-2-144	amended	Ch. 440	SB 252
2-2-302	amended	Ch. 184	HB 295
2-3-103	amended	Ch. 396	HB 724
2-3-214	amended	Ch. 741	HB 890
2-4-102	amended	Ch. 15	SB 102
	amended	Ch. 760	HB 190
2-4-302	amended	Ch. 365	HB 47
2-4-305	amended	Ch. 282	HB 739
2-6-1003	amended	Ch. 775	HB 693
2-6-1006	amended	Ch. 439	SB 232
2-6-1009	amended	Ch. 439	SB 232
2-6-1102	amended	Ch. 365	HB 47
2-6-1202	amended	Ch. 678	SB 374
2-6-1205	amended	Ch. 678	SB 374
2-6-1501	amended	Ch. 227	SB 50
2-6-1502	amended	Ch. 227	SB 50
2-6-1503	amended	Ch. 227	SB 50
2-6-1504	enacted	Ch. 227	SB 50
2-7-503	amended	Ch. 373	HB 262
2-7-517	amended	Ch. 373	HB 262
2-8-401	amended	Ch. 620	HB 87
2-8-402	amended	Ch. 620	HB 87
2-8-403	repealed	Ch. 620	HB 87
2-9-319	enacted	Ch. 210	HB 584
2-12-101	enacted	Ch. 760	HB 190
2-12-102	enacted	Ch. 760	HB 190
2-12-103	enacted	Ch. 760	HB 190
2-12-104	enacted	Ch. 760	HB 190
2-12-105	enacted	Ch. 760	HB 190
2-12-106	enacted	Ch. 760	HB 190
2-15-116	enacted	Ch. 607	HB 348

Title-Chapter-Section	Action	Chapter No.	Bill No.
2-15-122	amended (replaced — sec. 9, Ch. 603)	Ch. 108	HB 316
	amended	Ch. 603	HB 314
2-15-124	amended	Ch. 377	HB 309
	amended	Ch. 603	HB 314
2-15-201	amended	Ch. 289	HB 660
2-15-217	amended	Ch. 594	HB 19
2-15-218	amended	Ch. 100	HB 199
2-15-219	amended	Ch. 100	HB 199
2-15-401	amended	Ch. 277	HB 805
2-15-505	enacted	Ch. 543	HB 791
2-15-1021	amended	Ch. 95	HB 148
2-15-1025	repealed	Ch. 23	HB 138
2-15-1205	amended	Ch. 252	HB 298
2-15-1514	amended	Ch. 110	HB 343
2-15-1522	repealed	Ch. 370	HB 231
2-15-1730	amended (void — sec. 41, Ch. 620)	Ch. 275	SB 453
	amended	Ch. 620	HB 87
2-15-1731	amended (void — sec. 42, Ch. 620)	Ch. 275	SB 453
	amended	Ch. 620	HB 87
2-15-1732	amended	Ch. 620	HB 87
2-15-1733	amended	Ch. 620	HB 87
2-15-1734	amended	Ch. 620	HB 87
2-15-1735	amended	Ch. 620	HB 87
2-15-1736	amended	Ch. 620	HB 87
2-15-1737	amended	Ch. 620	HB 87
2-15-1738	amended	Ch. 620	HB 87
2-15-1739	amended	Ch. 620	HB 87
2-15-1740	repealed	Ch. 483	SB 456
	amended (void — sec. 43, Ch. 620)	Ch. 620	HB 87
2-15-1741	amended	Ch. 620	HB 87
2-15-1742	amended	Ch. 620	HB 87
2-15-1743	amended	Ch. 620	HB 87
2-15-1744	amended	Ch. 620	HB 87
2-15-1747	amended	Ch. 620	HB 87
2-15-1748	amended	Ch. 620	HB 87
2-15-1749	amended	Ch. 620	HB 87
2-15-1750	amended	Ch. 620	HB 87
2-15-1751	repealed	Ch. 484	SB 457
	amended (void — sec. 44, Ch. 620)	Ch. 620	HB 87
2-15-1753	amended	Ch. 620	HB 87
2-15-1756	amended	Ch. 620	HB 87
2-15-1757	amended (void — sec. 45, Ch. 620)	Ch. 482	SB 455
	amended	Ch. 620	HB 87
2-15-1758	amended	Ch. 620	HB 87
2-15-1761	amended	Ch. 620	HB 87
2-15-1763	amended	Ch. 620	HB 87
2-15-1764	amended	Ch. 620	HB 87
2-15-1765	amended	Ch. 620	HB 87
2-15-1771	amended	Ch. 620	HB 87
2-15-1773	amended	Ch. 620	HB 87
2-15-1781	repealed	Ch. 481	SB 454
	amended (void — sec. 46, Ch. 620)	Ch. 620	HB 87
2-15-1782	amended	Ch. 620	HB 87
2-15-1816	amended	Ch. 92	HB 143

Title-Chapter-Section	Action	Chapter No.	Bill No.
2-15-2034	enacted	Ch. 165	HB 79
2-15-2035	enacted	Ch. 165	HB 79
2-15-2040	enacted	Ch. 669	SB 294
2-15-2041	enacted	Ch. 669	SB 294
2-15-2042	enacted	Ch. 669	SB 294
2-15-2043	enacted	Ch. 669	SB 294
2-15-2044	enacted	Ch. 669	SB 294
2-15-2045	enacted	Ch. 669	SB 294
2-15-2221	repealed	Ch. 760	HB 190
2-15-2222	repealed	Ch. 760	HB 190
2-15-2223	repealed	Ch. 760	HB 190
2-15-2224	repealed	Ch. 760	HB 190
2-15-2225	repealed	Ch. 760	HB 190
2-15-2226	repealed	Ch. 760	HB 190
2-15-2502	amended	Ch. 270	HB 489
2-15-3104	repealed	Ch. 99	HB 159
2-15-3112	amended	Ch. 427	SB 78
2-15-3308	amended	Ch. 223	SB 17
2-15-3310	repealed	Ch. 428	SB 83
2-15-3311	enacted	Ch. 428	SB 83
2-15-3330	repealed	Ch. 428	SB 83
2-15-3331	repealed	Ch. 428	SB 83
2-15-3332	repealed	Ch. 428	SB 83
2-15-3405	amended	Ch. 107	HB 290
2-16-102	amended	Ch. 495	HB 306
2-16-117	amended	Ch. 87	HB 13
2-16-204	amended	Ch. 386	HB 529
2-17-101	amended	Ch. 101	HB 232
	amended	Ch. 762	HB 856
2-17-108	amended	Ch. 762	HB 856
2-17-114	enacted	Ch. 762	HB 856
2-17-115	enacted	Ch. 762	HB 856
2-17-505	amended	Ch. 365	HB 47
2-17-506	amended	Ch. 38	HB 149
	amended	Ch. 365	HB 47
2-17-512	amended	Ch. 38	HB 149
	amended	Ch. 365	HB 47
2-17-513	amended	Ch. 38	HB 149
	amended	Ch. 365	HB 47
2-17-514	amended	Ch. 365	HB 47
2-17-515	amended	Ch. 365	HB 47
2-17-516	amended	Ch. 38	HB 149
	amended	Ch. 365	HB 47
2-17-521	amended	Ch. 365	HB 47
2-17-523	amended	Ch. 365	HB 47
2-17-524	amended	Ch. 365	HB 47
2-17-526	amended	Ch. 365	HB 47
2-17-532	amended	Ch. 365	HB 47
2-17-533	amended	Ch. 365	HB 47
2-17-534	amended	Ch. 365	HB 47
2-17-543	amended	Ch. 38	HB 149
2-17-545	amended	Ch. 38	HB 149
2-17-546	amended	Ch. 365	HB 47
2-17-551	amended	Ch. 365	HB 47

Title-Chapter-Section	Action	Chapter No.	Bill No.
2-17-552	amended	Ch. 365	HB 47
2-17-603	amended	Ch. 342	SB 174
2-17-802	amended	Ch. 762	HB 856
2-17-805	amended	Ch. 762	HB 856
2-17-806	amended	Ch. 762	HB 856
2-17-807	amended	Ch. 211	HB 585
	amended	Ch. 336	SB 414
	amended	Ch. 637	HB 920
	amended	Ch. 737	HB 855
2-17-808	amended	Ch. 211	HB 585
	amended	Ch. 336	SB 414
	amended	Ch. 637	HB 920
	amended	Ch. 737	HB 855
2-17-811	amended	Ch. 762	HB 856
2-17-819	enacted	Ch. 211	HB 585
2-17-1101	amended	Ch. 365	HB 47
2-17-1102	amended	Ch. 365	HB 47
2-17-1103	amended	Ch. 365	HB 47
2-18-101	amended	Ch. 365	HB 47
	amended	Ch. 683	SB 424
2-18-103	amended	Ch. 100	HB 199
2-18-104	amended	Ch. 683	SB 424
2-18-208	amended	Ch. 685	SB 458
2-18-303	amended	Ch. 87	HB 13
2-18-501	amended	Ch. 87	HB 13
2-18-601	amended	Ch. 87	HB 13
2-18-603	amended	Ch. 87	HB 13
2-18-704	amended	Ch. 179	HB 263
	amended	Ch. 520	HB 612
	amended	Ch. 669	SB 294
	amended	Ch. 782	SB 516
3-1-609	repealed	Ch. 433	SB 201
3-1-611	enacted	Ch. 433	SB 201
3-1-702	amended	Ch. 497	SB 410
3-1-713	amended	Ch. 274	SB 224
3-1-716	enacted	Ch. 283	HB 709
3-1-906	amended	Ch. 72	HB 169
3-1-1101	amended	Ch. 188	HB 326
3-1-1102	repealed	Ch. 188	HB 326
3-1-1105	amended	Ch. 460	SB 313
3-1-1106	amended	Ch. 460	SB 313
3-1-1115	enacted	Ch. 188	HB 326
3-1-1121	amended	Ch. 460	SB 313
3-1-1122	repealed	Ch. 460	SB 313
3-1-1123	amended	Ch. 460	SB 313
3-1-1124	amended	Ch. 460	SB 313
3-1-1126	amended	Ch. 460	SB 313
3-5-124	amended	Ch. 604	HB 322
3-5-125	amended	Ch. 604	HB 322
3-5-126	amended	Ch. 604	HB 322
3-5-127	enacted	Ch. 604	HB 322
3-5-311	amended	Ch. 409	SB 377
3-5-313	enacted	Ch. 409	SB 377
3-5-901	amended	Ch. 604	HB 322

Title-Chapter-Section	Action	Chapter No.	Bill No.
3-6-103	amended	Ch. 508	HB 534
3-10-116	amended	Ch. 177	HB 239
5-1-201	enacted	Ch. 233	SB 77
5-1-202	enacted	Ch. 233	SB 77
5-1-203	enacted	Ch. 233	SB 77
5-1-204	enacted	Ch. 233	SB 77
5-1-205	enacted	Ch. 233	SB 77
5-1-206	enacted	Ch. 233	SB 77
5-2-106	enacted	Ch. 204	HB 518
5-2-107	enacted	Ch. 667	SB 278
5-2-204	amended	Ch. 30	HB 150
5-2-205	amended	Ch. 30	HB 150
5-2-301	amended	Ch. 86	HB 28
	amended (void — sec. 10, Ch. 603)	Ch. 603	HB 314
5-5-101	amended and renumbered 5-5-107	Ch. 687	SB 490
5-5-102	amended and renumbered 5-5-108	Ch. 687	SB 490
5-5-103	amended and renumbered 5-5-109	Ch. 687	SB 490
5-5-104	renumbered 5-5-111	Ch. 687	SB 490
5-5-105	renumbered 5-5-112	Ch. 687	SB 490
5-5-106	enacted	Ch. 687	SB 490
5-5-107	formerly 5-5-101	Ch. 687	SB 490
5-5-108	formerly 5-5-102	Ch. 687	SB 490
5-5-109	formerly 5-5-103	Ch. 687	SB 490
5-5-111	formerly 5-5-104	Ch. 687	SB 490
5-5-112	formerly 5-5-105	Ch. 687	SB 490
5-5-211	amended	Ch. 432	SB 176
	amended	Ch. 587	HB 140
5-5-215	amended	Ch. 432	SB 176
	amended	Ch. 647	SB 93
5-5-229	amended	Ch. 432	SB 176
5-5-234	amended	Ch. 432	SB 176
5-5-405	enacted	Ch. 687	SB 490
5-7-106	enacted	Ch. 468	SB 358
5-11-104	amended	Ch. 432	SB 176
5-11-105	amended	Ch. 647	SB 93
5-11-209	amended	Ch. 548	HB 845
5-11-210	amended	Ch. 496	HB 400
5-11-222	amended	Ch. 165	HB 79
	amended	Ch. 166	HB 109
	amended	Ch. 496	HB 400
	amended	Ch. 712	HB 128
5-12-101	amended	Ch. 587	HB 140
5-12-202	amended	Ch. 432	SB 176
5-12-203	amended	Ch. 432	SB 176
5-12-209	enacted	Ch. 514	HB 580
5-12-301	amended	Ch. 494	HB 110
	amended	Ch. 587	HB 140
5-12-302	amended	Ch. 587	HB 140
5-12-303	amended	Ch. 141	SB 36
	amended	Ch. 641	SB 11
5-12-501	amended	Ch. 494	HB 110
5-12-601	enacted	Ch. 587	HB 140
5-12-602	enacted	Ch. 587	HB 140
5-13-202	amended	Ch. 432	SB 176

Title-Chapter-Section	Action	Chapter No.	Bill No.
5-13-304	amended	Ch. 158	HB 132
5-15-101	amended	Ch. 432	SB 176
5-16-101	amended	Ch. 432	SB 176
5-16-104	amended	Ch. 289	HB 660
7-1-111	amended	Ch. 319	SB 105
	amended	Ch. 357	SB 262
	amended	Ch. 435	SB 208
	amended	Ch. 438	SB 228
	amended	Ch. 572	HB 283
	amended	Ch. 578	HB 241
7-1-117	enacted	Ch. 435	SB 208
7-1-206	enacted	Ch. 363	HB 32
7-1-2121	amended	Ch. 139	SB 5
	amended	Ch. 396	HB 724
7-1-4127	amended	Ch. 139	SB 5
	amended	Ch. 396	HB 724
7-1-4141	amended	Ch. 741	HB 890
7-1-4202	amended	Ch. 343	SB 177
7-2-4211	amended	Ch. 350	SB 220
7-3-304	amended	Ch. 396	HB 724
7-3-412	amended	Ch. 610	HB 360
7-3-503	amended	Ch. 396	HB 724
7-3-606	amended	Ch. 396	HB 724
7-4-2611	amended	Ch. 447	SB 330
7-4-2637	amended	Ch. 110	HB 343
7-5-103	amended	Ch. 185	HB 299
7-5-121	amended	Ch. 185	HB 299
7-5-132	amended	Ch. 647	SB 93
7-5-4124	amended	Ch. 678	SB 374
7-6-202	amended	Ch. 182	HB 291
7-6-1501	amended	Ch. 346	SB 199
7-6-1603	amended	Ch. 330	SB 142
7-6-4020	amended	Ch. 675	SB 332
7-6-4030	amended	Ch. 675	SB 332
7-7-111	enacted	Ch. 653	SB 123
7-7-2224	amended	Ch. 647	SB 93
7-7-2316	amended	Ch. 182	HB 291
7-7-4316	amended	Ch. 182	HB 291
7-8-103	amended	Ch. 325	SB 117
7-13-2101	amended	Ch. 153	HB 176
7-13-2103	amended	Ch. 153	HB 176
7-13-2230	enacted	Ch. 593	HB 35
7-13-2231	amended	Ch. 593	HB 35
7-13-2232	amended	Ch. 593	HB 35
7-13-2233	amended	Ch. 593	HB 35
7-13-2234	amended	Ch. 593	HB 35
7-13-2259	amended	Ch. 593	HB 35
7-13-2262	amended	Ch. 593	HB 35
7-13-2279	repealed	Ch. 593	HB 35
7-13-2334	enacted	Ch. 222	HB 675
7-13-4101	amended	Ch. 153	HB 176
7-14-102	repealed	Ch. 123	HB 76
7-14-112	amended	Ch. 253	HB 327
7-14-204	amended	Ch. 647	SB 93

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7-14-2101	amended	Ch. 341	SB 173
7-14-2103	amended	Ch. 341	SB 173
	amended	Ch. 556	HB 938
7-14-2107	amended	Ch. 341	SB 173
7-14-2134	amended	Ch. 556	HB 938
	amended	Ch. 570	HB 486
7-14-2135	amended	Ch. 556	HB 938
7-14-2136	amended	Ch. 570	HB 486
7-14-2137	amended	Ch. 570	HB 486
7-14-2601	amended	Ch. 341	SB 173
7-14-2603	amended	Ch. 341	SB 173
7-14-2611	amended	Ch. 341	SB 173
7-14-2614	amended	Ch. 341	SB 173
7-14-2615	amended	Ch. 341	SB 173
7-15-4207	amended	Ch. 685	SB 458
7-15-4286	amended	Ch. 689	SB 505
7-16-2105	amended	Ch. 238	SB 159
7-21-1001	repealed	Ch. 500	SB 382
7-21-1002	repealed	Ch. 500	SB 382
7-21-1003	repealed	Ch. 500	SB 382
7-21-2501	repealed	Ch. 26	HB 113
7-21-2502	repealed	Ch. 26	HB 113
7-21-2503	repealed	Ch. 26	HB 113
7-21-2504	repealed	Ch. 26	HB 113
7-21-2505	repealed	Ch. 26	HB 113
7-21-2506	repealed	Ch. 26	HB 113
7-21-2507	repealed	Ch. 26	HB 113
7-21-2508	repealed	Ch. 26	HB 113
7-21-3301	amended	Ch. 347	SB 202
7-22-2151	amended	Ch. 365	HB 47
7-31-4101	amended	Ch. 148	SB 98
7-32-232	amended	Ch. 575	HB 256
7-32-2235	enacted	Ch. 11	SB 7
7-32-2242	amended	Ch. 584	HB 174
7-32-2257	enacted	Ch. 471	SB 391
7-32-2258	enacted	Ch. 471	SB 391
7-34-2123	amended	Ch. 685	SB 458
10-1-104	amended	Ch. 124	HB 80
10-1-108	amended	Ch. 91	HB 134
10-1-113	formerly 10-1-408	Ch. 128	HB 89
10-1-401	repealed	Ch. 128	HB 89
10-1-402	repealed	Ch. 128	HB 89
10-1-403	repealed	Ch. 128	HB 89
10-1-404	repealed	Ch. 128	HB 89
10-1-405	repealed	Ch. 128	HB 89
10-1-406	repealed	Ch. 128	HB 89
10-1-407	repealed	Ch. 128	HB 89
10-1-408	renumbered 10-1-113	Ch. 128	HB 89
10-1-411	repealed	Ch. 128	HB 89
10-1-501	amended	Ch. 14	SB 40
10-1-502	amended	Ch. 14	SB 40
10-1-505	amended	Ch. 14	SB 40
10-1-506	enacted	Ch. 264	HB 427
10-1-902	amended	Ch. 231	SB 66
10-1-905	enacted	Ch. 231	SB 66

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10-1-1111	repealed	Ch. 128	HB 89
10-1-1112	repealed	Ch. 128	HB 89
10-1-1113	repealed	Ch. 128	HB 89
10-1-1114	repealed	Ch. 128	HB 89
10-1-1302	amended	Ch. 231	SB 66
10-1-1304	amended	Ch. 231	SB 66
10-1-1305	amended	Ch. 231	SB 66
10-2-108	amended	Ch. 738	HB 864
10-2-601	amended	Ch. 125	HB 81
10-2-802	amended	Ch. 303	HB 545
	amended	Ch. 634	HB 852
10-2-803	amended	Ch. 634	HB 852
10-2-804	amended	Ch. 634	HB 852
10-2-805	amended	Ch. 634	HB 852
10-2-807	amended	Ch. 634	HB 852
10-2-901	enacted	Ch. 180	HB 264
10-2-902	enacted	Ch. 180	HB 264
10-2-903	enacted	Ch. 180	HB 264
10-2-1302	enacted	Ch. 214	HB 663
10-3-103	amended	Ch. 243	HB 107
10-3-105	amended	Ch. 243	HB 107
10-3-106	amended	Ch. 365	HB 47
10-3-125	amended	Ch. 166	HB 109
10-3-202	amended	Ch. 190	HB 342
10-3-301	amended	Ch. 243	HB 107
10-3-310	amended	Ch. 243	HB 107
10-3-312	amended	Ch. 264	HB 427
	amended	Ch. 722	HB 424
10-3-316	enacted	Ch. 134	HB 106
10-3-401	amended	Ch. 243	HB 107
10-3-802	amended	Ch. 374	HB 274
10-3-904	amended	Ch. 243	HB 107
10-3-1202	amended	Ch. 243	HB 107
10-3-1203	amended	Ch. 243	HB 107
10-3-1204	amended	Ch. 243	HB 107
10-3-1207	amended	Ch. 243	HB 107
10-3-1208	amended	Ch. 243	HB 107
10-3-1209	amended	Ch. 243	HB 107
10-3-1210	amended	Ch. 243	HB 107
10-3-1214	amended	Ch. 243	HB 107
10-3-1216	amended	Ch. 243	HB 107
10-3-1217	amended	Ch. 243	HB 107
10-4-119	enacted	Ch. 176	HB 236
10-4-304	amended	Ch. 519	HB 597
13-1-101	amended	Ch. 155	HB 172
	amended	Ch. 311	SB 61
13-1-121	renumbered 13-27-250	Ch. 647	SB 93
13-1-125	enacted	Ch. 296	HB 598
13-1-209	amended	Ch. 476	SB 432
13-1-504	amended	Ch. 367	HB 186
13-2-206	amended	Ch. 395	HB 712
13-2-220	amended	Ch. 688	SB 498
13-3-101	amended	Ch. 235	SB 86
13-3-102	amended	Ch. 412	SB 416

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13-3-205	amended	Ch. 166	HB 109
13-10-202	amended	Ch. 462	SB 338
13-10-204	amended	Ch. 206	HB 536
13-10-211	amended	Ch. 206	HB 536
13-13-212	amended	Ch. 255	HB 335
13-13-245	amended	Ch. 255	HB 335
13-15-101	amended	Ch. 582	HB 196
13-15-206	amended	Ch. 206	HB 536
13-17-103	amended	Ch. 154	HB 173
13-17-503	amended	Ch. 155	HB 172
	amended	Ch. 345	SB 197
	amended	Ch. 780	SB 254
13-17-505	amended	Ch. 155	HB 172
13-17-510	enacted	Ch. 155	HB 172
13-19-313	amended	Ch. 688	SB 498
13-21-102	amended	Ch. 303	HB 545
13-27-102	amended	Ch. 647	SB 93
13-27-103	amended	Ch. 647	SB 93
13-27-105	amended	Ch. 647	SB 93
13-27-106	renumbered 13-27-610	Ch. 647	SB 93
13-27-110	enacted	Ch. 647	SB 93
13-27-111	repealed	Ch. 647	SB 93
13-27-112	amended	Ch. 647	SB 93
13-27-113	repealed	Ch. 647	SB 93
13-27-201	amended and renumbered 13-27-236	Ch. 647	SB 93
13-27-202	repealed	Ch. 647	SB 93
13-27-203	renumbered 13-27-237	Ch. 647	SB 93
13-27-204	amended	Ch. 229	SB 56
	amended and renumbered 13-27-238	Ch. 647	SB 93
13-27-205	amended and renumbered 13-27-240	Ch. 647	SB 93
13-27-206	amended and renumbered 13-27-242	Ch. 647	SB 93
13-27-207	amended	Ch. 229	SB 56
	amended and renumbered 13-27-241	Ch. 647	SB 93
13-27-208	repealed	Ch. 647	SB 93
13-27-209	amended and renumbered 13-27-246	Ch. 647	SB 93
13-27-210	amended and renumbered 13-27-611	Ch. 647	SB 93
13-27-211	amended and renumbered 13-27-239	Ch. 647	SB 93
13-27-212	enacted	Ch. 647	SB 93
13-27-213	enacted	Ch. 647	SB 93
13-27-214	enacted	Ch. 647	SB 93
13-27-215	enacted	Ch. 647	SB 93
13-27-216	enacted	Ch. 647	SB 93
13-27-217	enacted	Ch. 647	SB 93
13-27-218	enacted	Ch. 647	SB 93
13-27-219	enacted	Ch. 647	SB 93
13-27-220	enacted	Ch. 647	SB 93
13-27-221	enacted	Ch. 647	SB 93
13-27-225	enacted	Ch. 647	SB 93
13-27-226	enacted	Ch. 647	SB 93
13-27-227	enacted	Ch. 647	SB 93
13-27-228	enacted	Ch. 647	SB 93
13-27-233	enacted	Ch. 647	SB 93
13-27-236	formerly 13-27-201	Ch. 647	SB 93
13-27-237	formerly 13-27-203	Ch. 647	SB 93
13-27-238	formerly 13-27-204	Ch. 647	SB 93

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13-27-239	formerly 13-27-211	Ch. 647	SB 93
13-27-240	formerly 13-27-205	Ch. 647	SB 93
13-27-241	formerly 13-27-207	Ch. 647	SB 93
13-27-242	formerly 13-27-206	Ch. 647	SB 93
13-27-243	enacted	Ch. 647	SB 93
13-27-246	formerly 13-27-209	Ch. 647	SB 93
13-27-250	formerly 13-1-121	Ch. 647	SB 93
13-27-301	amended	Ch. 647	SB 93
13-27-303	amended	Ch. 647	SB 93
13-27-304	amended	Ch. 647	SB 93
13-27-308	amended	Ch. 647	SB 93
13-27-311	amended	Ch. 647	SB 93
13-27-312	repealed	Ch. 647	SB 93
13-27-315	repealed	Ch. 647	SB 93
13-27-316	amended and renumbered 13-27-605	Ch. 647	SB 93
13-27-317	amended and renumbered 13-27-606	Ch. 647	SB 93
13-27-401	amended	Ch. 647	SB 93
13-27-402	amended	Ch. 647	SB 93
13-27-403	amended	Ch. 647	SB 93
13-27-406	amended	Ch. 647	SB 93
13-27-407	amended	Ch. 647	SB 93
13-27-408	amended	Ch. 685	SB 458
13-27-409	amended	Ch. 647	SB 93
13-27-410	amended	Ch. 647	SB 93
13-27-501	amended	Ch. 647	SB 93
13-27-502	amended	Ch. 647	SB 93
13-27-503	amended	Ch. 647	SB 93
13-27-504	amended	Ch. 647	SB 93
13-27-601	enacted	Ch. 647	SB 93
13-27-605	formerly 13-27-316	Ch. 647	SB 93
13-27-606	formerly 13-27-317	Ch. 647	SB 93
13-27-610	formerly 13-27-106	Ch. 647	SB 93
13-27-611	formerly 13-27-210	Ch. 647	SB 93
13-35-202	amended	Ch. 311	SB 61
13-35-203	amended	Ch. 311	SB 61
13-35-205	amended	Ch. 154	HB 173
13-35-210	amended	Ch. 742	HB 892
13-35-226	amended	Ch. 559	HB 412
13-35-238	enacted	Ch. 325	SB 117
13-35-301	amended	Ch. 685	SB 458
13-37-126	amended	Ch. 203	HB 510
	amended	Ch. 647	SB 93
13-37-130	amended	Ch. 557	HB 947
13-37-201	amended	Ch. 647	SB 93
13-37-203	amended	Ch. 682	SB 393
13-37-208	amended	Ch. 557	HB 947
13-37-225	amended	Ch. 260	HB 384
13-37-226	amended	Ch. 682	SB 393
13-37-228	amended	Ch. 647	SB 93
13-37-229	amended	Ch. 682	SB 393
13-37-232	amended	Ch. 682	SB 393
13-37-234	amended	Ch. 311	SB 61
13-37-240	amended	Ch. 271	HB 493
13-37-250	repealed	Ch. 557	HB 947

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13-37-402	amended	Ch. 261	HB 387
	amended	Ch. 271	HB 493
13-38-201	amended	Ch. 685	SB 458
13-38-203	amended	Ch. 671	SB 322
13-38-205	amended	Ch. 671	SB 322
15-1-101	amended	Ch. 344	SB 178
15-1-123	amended	Ch. 45	HB 212
15-1-142	enacted	Ch. 44	HB 192
15-1-143	enacted	Ch. 764	HB 816
15-1-150	enacted	Ch. 344	SB 178
15-1-210	amended	Ch. 424	SB 54
15-1-222	amended	Ch. 691	SB 507
15-1-402	amended	Ch. 424	SB 54
15-1-601	amended	Ch. 51	SB 124
15-1-701	amended	Ch. 589	HB 118
15-1-2301	enacted (amended — sec. 5, Ch. 764)	Ch. 47	HB 222
15-1-2302	enacted	Ch. 47	HB 222
15-1-2303	enacted	Ch. 47	HB 222
15-1-2304	enacted	Ch. 764	HB 816
15-2-201	amended	Ch. 691	SB 507
15-2-301	amended	Ch. 691	SB 507
15-2-302	amended	Ch. 691	SB 507
15-2-303	amended	Ch. 691	SB 507
15-6-135	amended	Ch. 644	SB 46
15-6-138	amended	Ch. 45	HB 212
	amended	Ch. 234	SB 81
	amended	Ch. 695	SB 530
15-6-141	amended	Ch. 234	SB 81
15-6-143	amended	Ch. 638	SB 3
15-6-157	amended	Ch. 692	SB 510
15-6-158	amended	Ch. 692	SB 510
15-6-192	repealed	Ch. 644	SB 46
15-6-240	amended	Ch. 111	HB 459
15-6-301	amended	Ch. 583	HB 189
15-6-302	amended	Ch. 672	HB 325
15-6-305	amended	Ch. 583	HB 189
15-6-311	amended	Ch. 583	HB 189
15-7-102	amended	Ch. 424	SB 54
	amended	Ch. 638	SB 3
	amended	Ch. 691	SB 507
15-7-105	amended	Ch. 691	SB 507
15-7-106	amended	Ch. 691	SB 507
15-7-111	amended	Ch. 424	SB 54
	amended	Ch. 638	SB 3
15-7-112	amended	Ch. 638	SB 3
15-8-111	amended	Ch. 529	HB 685
15-8-112	amended	Ch. 424	SB 54
15-8-120	enacted	Ch. 18	SB 62
15-8-601	amended	Ch. 755	SB 362
15-10-420	amended	Ch. 45	HB 212
	amended	Ch. 729	HB 569
15-10-425	amended	Ch. 388	HB 543
15-15-101	amended	Ch. 691	SB 507
15-15-102	amended	Ch. 424	SB 54

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15-15-103	amended	Ch. 691	SB 507
15-16-101	amended	Ch. 201	HB 497
15-16-102	amended	Ch. 691	SB 507
	amended	Ch. 734	HB 830
15-16-103	amended	Ch. 734	HB 830
15-16-122	enacted	Ch. 734	HB 830
15-16-603	amended	Ch. 755	SB 362
15-18-225	amended	Ch. 139	SB 5
15-23-101	amended	Ch. 234	SB 81
	amended	Ch. 424	SB 54
15-23-103	amended	Ch. 424	SB 54
15-23-212	amended	Ch. 424	SB 54
15-23-301	amended	Ch. 234	SB 81
15-24-905	amended	Ch. 120	HB 66
15-24-921	amended	Ch. 120	HB 66
15-24-1401	amended	Ch. 644	SB 46
15-24-1402	amended	Ch. 692	SB 510
15-24-3102	amended	Ch. 692	SB 510
15-24-3111	amended	Ch. 692	SB 510
15-24-3201	repealed	Ch. 114	HB 25
15-24-3202	repealed	Ch. 114	HB 25
15-24-3203	repealed	Ch. 114	HB 25
15-24-3204	repealed	Ch. 114	HB 25
15-24-3211	repealed	Ch. 114	HB 25
15-30-2103	amended	Ch. 46	HB 221
	amended	Ch. 50	SB 121
15-30-2104	amended	Ch. 51	SB 124
	amended	Ch. 563	HB 447
15-30-2106	enacted	Ch. 563	HB 447
15-30-2110	amended	Ch. 44	HB 192
	amended	Ch. 47	HB 222
	amended	Ch. 669	SB 294
	amended	Ch. 702	SB 554
15-30-2113	amended	Ch. 701	SB 550
15-30-2117	amended	Ch. 128	HB 89
15-30-2120	amended	Ch. 46	HB 221
	amended	Ch. 47	HB 222
	amended	Ch. 128	HB 89
	amended	Ch. 650	SB 104
	amended	Ch. 669	SB 294
	amended	Ch. 701	SB 550
	amended	Ch. 702	SB 554
15-30-2131	amended	Ch. 166	HB 109
15-30-2191...enacted (amended — sec. 4, Ch. 764)		Ch. 44	HB 192
15-30-2303	amended	Ch. 19	HB 24
	amended	Ch. 493	HB 225
15-30-2318	amended	Ch. 50	SB 121
	amended	Ch. 701	SB 550
15-30-2321	enacted	Ch. 493	HB 225
15-30-2328	amended	Ch. 690	SB 506
15-30-2329	amended	Ch. 690	SB 506
15-30-2359	amended	Ch. 576	HB 245
15-30-2361	amended	Ch. 391	HB 601
15-30-2502	amended	Ch. 563	HB 447

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15-30-2503	amended	Ch. 563	HB 447
15-30-2504	amended	Ch. 563	HB 447
15-30-2509	amended	Ch. 753	SB 303
15-30-2513	enacted	Ch. 563	HB 447
15-30-2522	amended	Ch. 701	SB 550
15-30-2546	amended	Ch. 753	SB 303
15-30-2602	amended	Ch. 563	HB 447
15-30-2606	amended	Ch. 313	SB 64
15-30-2609	amended	Ch. 314	SB 65
15-30-3005	amended	Ch. 420	SB 16
15-30-3102	amended	Ch. 558	HB 408
15-30-3110	amended	Ch. 558	HB 408
15-30-3111	amended	Ch. 558	HB 408
15-30-3312	amended	Ch. 701	SB 550
15-30-3313	amended	Ch. 51	SB 124
15-30-3325	enacted	Ch. 702	SB 554
15-30-3326	enacted	Ch. 702	SB 554
15-30-3327	enacted	Ch. 702	SB 554
15-30-3328	enacted	Ch. 702	SB 554
15-31-110	enacted	Ch. 225	SB 24
15-31-114	amended	Ch. 157	HB 156
15-31-122	amended	Ch. 51	SB 124
15-31-161	amended	Ch. 690	SB 506
15-31-162	amended	Ch. 690	SB 506
15-31-306	repealed 1/1/2025	Ch. 51	SB 124
15-31-307	repealed 1/1/2025	Ch. 51	SB 124
15-31-308	repealed 1/1/2025	Ch. 51	SB 124
15-31-309	repealed 1/1/2025	Ch. 51	SB 124
15-31-310	amended	Ch. 51	SB 124
15-31-311	amended	Ch. 51	SB 124
15-31-312	amended	Ch. 51	SB 124
15-31-321	amended	Ch. 750	SB 246
15-31-322	amended	Ch. 750	SB 246
15-31-323	amended	Ch. 750	SB 246
15-31-324	amended	Ch. 750	SB 246
15-31-325	amended	Ch. 750	SB 246
15-31-326	amended	Ch. 750	SB 246
15-31-403	amended	Ch. 51	SB 124
15-31-406	amended	Ch. 51	SB 124
15-31-509	amended	Ch. 314	SB 65
15-31-1003	amended	Ch. 642	SB 27
	amended	Ch. 701	SB 550
15-31-1005	amended	Ch. 642	SB 27
15-31-1006	amended	Ch. 642	SB 27
15-35-108	amended	Ch. 248	HB 188
15-36-303	amended	Ch. 475	SB 426
	amended	Ch. 569	HB 485
	amended	Ch. 725	HB 469
15-36-304	amended	Ch. 569	HB 485
	amended	Ch. 725	HB 469
15-38-301	amended	Ch. 119	HB 53
15-44-103	amended	Ch. 638	SB 3
15-50-101	amended	Ch. 751	SB 253
15-61-102	amended	Ch. 701	SB 550

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15-61-202	amended	Ch. 701	SB 550
15-62-208	amended	Ch. 102	HB 240
15-63-201	amended	Ch. 701	SB 550
15-64-101	amended	Ch. 712	HB 128
15-65-121	amended	Ch. 67	HB 121
	amended	Ch. 699	SB 540
	amended	Ch. 758	SB 522
	amended	Ch. 763	HB 5
15-66-101	amended	Ch. 602	HB 312
15-68-101	amended	Ch. 758	SB 522
15-68-820	amended	Ch. 67	HB 121
15-70-101	amended	Ch. 123	HB 76
15-70-102	amended	Ch. 133	HB 105
15-70-123	amended	Ch. 399	HB 823
15-70-124	amended	Ch. 399	HB 823
15-70-126	amended	Ch. 164	HB 60
15-70-127	repealed	Ch. 123	HB 76
15-70-128	enacted	Ch. 123	HB 76
15-70-130	repealed	Ch. 123	HB 76
15-70-131	enacted	Ch. 49	HB 267
15-70-132	enacted	Ch. 698	SB 536
15-70-403	amended	Ch. 123	HB 76
15-70-419	amended	Ch. 123	HB 76
15-70-426	amended	Ch. 122	HB 75
15-70-430	amended	Ch. 122	HB 75
15-70-432	amended	Ch. 122	HB 75
15-70-701	amended	Ch. 399	HB 823
15-70-702	amended	Ch. 399	HB 823
15-70-703	amended	Ch. 399	HB 823
15-70-704	amended	Ch. 399	HB 823
15-70-705	amended	Ch. 399	HB 823
15-70-706	amended	Ch. 399	HB 823
15-70-707	amended	Ch. 399	HB 823
15-70-711	amended	Ch. 399	HB 823
15-70-712	amended	Ch. 399	HB 823
15-70-713	amended	Ch. 399	HB 823
15-70-714	amended	Ch. 399	HB 823
15-70-715	amended	Ch. 399	HB 823
15-70-716	amended	Ch. 399	HB 823
15-70-717	amended	Ch. 399	HB 823
15-70-718	amended	Ch. 399	HB 823
15-70-801	enacted	Ch. 619	HB 55
15-70-802	enacted	Ch. 619	HB 55
15-70-803	enacted	Ch. 619	HB 55
15-70-804	enacted	Ch. 619	HB 55
15-70-805	enacted	Ch. 619	HB 55
16-1-106	amended	Ch. 33	HB 157
	amended	Ch. 61	HB 69
	amended	Ch. 138	HB 127
	amended	Ch. 140	SB 21
	amended	Ch. 585	HB 164
	amended (void — sec. 7, Ch. 728)	Ch. 728	HB 539
16-1-201	amended	Ch. 33	HB 157
16-1-202	amended	Ch. 33	HB 157

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16-1-302	amended	Ch. 33	HB 157
16-1-303	amended	Ch. 565	HB 455
16-1-304	amended	Ch. 33	HB 157
16-1-307	enacted	Ch. 41	HB 120
16-1-406	amended	Ch. 68	HB 124
	amended	Ch. 76	SB 20
16-1-409	repealed	Ch. 76	SB 20
16-1-411	amended	Ch. 68	HB 124
	amended	Ch. 76	SB 20
	amended	Ch. 622	HB 97
16-1-412	enacted	Ch. 76	SB 20
16-1-413	enacted	Ch. 76	SB 20
16-1-414	enacted	Ch. 76	SB 20
16-1-415	enacted	Ch. 76	SB 20
16-1-416	enacted	Ch. 76	SB 20
16-1-424	amended	Ch. 76	SB 20
16-2-101	amended	Ch. 61	HB 69
16-2-103	amended	Ch. 61	HB 69
16-2-104	amended	Ch. 61	HB 69
	amended	Ch. 635	HB 867
16-2-110	amended	Ch. 635	HB 867
16-2-111	enacted	Ch. 635	HB 867
16-2-201	amended	Ch. 622	HB 97
16-2-203	amended	Ch. 61	HB 69
	amended	Ch. 635	HB 867
16-2-301	amended	Ch. 76	SB 20
16-3-101	amended	Ch. 591	HB 95
16-3-103	amended	Ch. 591	HB 95
	amended	Ch. 645	SB 59
16-3-104	amended	Ch. 591	HB 95
16-3-106	amended	Ch. 591	HB 95
16-3-211	amended	Ch. 749	SB 75
16-3-212	amended	Ch. 749	SB 75
16-3-213	amended	Ch. 443	SB 312
	amended	Ch. 601	HB 305
	amended	Ch. 622	HB 97
16-3-214	amended	Ch. 443	SB 312
	amended	Ch. 601	HB 305
	amended	Ch. 749	SB 75
16-3-218	amended	Ch. 138	HB 127
16-3-226	amended	Ch. 118	HB 49
16-3-230	amended	Ch. 591	HB 95
	amended	Ch. 749	SB 75
16-3-233	amended	Ch. 591	HB 95
16-3-241	amended	Ch. 601	HB 305
16-3-242	amended	Ch. 601	HB 305
16-3-243	amended	Ch. 591	HB 95
16-3-244	amended	Ch. 34	HB 160
	amended	Ch. 601	HB 305
16-3-301	amended	Ch. 591	HB 95
	amended	Ch. 728	HB 539
16-3-302	amended	Ch. 622	HB 97
	amended	Ch. 728	HB 539
amended (replaced — sec. 8, Ch. 728)		Ch. 749	SB 75

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16-3-306	amended	Ch. 591	HB 95
16-3-308	amended	Ch. 591	HB 95
16-3-310	amended	Ch. 35	HB 166
16-3-311	amended	Ch. 21	HB 98
	amended	Ch. 601	HB 305
	amended (replaced — sec. 12, Ch. 749)	Ch. 728	HB 539
	amended	Ch. 749	SB 75
16-3-312	amended	Ch. 103	HB 254
	amended	Ch. 359	SB 264
16-3-316	amended	Ch. 591	HB 95
	amended	Ch. 622	HB 97
16-3-401	amended	Ch. 591	HB 95
16-3-411	amended	Ch. 55	HB 48
	amended	Ch. 591	HB 95
	amended	Ch. 601	HB 305
	amended	Ch. 622	HB 97
16-3-416	amended	Ch. 118	HB 49
16-3-420	amended	Ch. 118	HB 49
16-4-101	amended	Ch. 97	HB 155
	amended	Ch. 749	SB 75
16-4-102	amended	Ch. 55	HB 48
16-4-103	repealed 7/1/2024	Ch. 138	HB 127
	amended (void — sec. 9, Ch. 97)	Ch. 97	HB 155
16-4-104	amended	Ch. 97	HB 155
16-4-105	amended	Ch. 56	HB 50
	amended	Ch. 60	HB 68
	amended	Ch. 93	HB 144
	amended	Ch. 601	HB 305
16-4-107	amended	Ch. 749	SB 75
16-4-108	repealed 7/1/2024	Ch. 138	HB 127
16-4-109	amended	Ch. 60	HB 68
16-4-110	amended	Ch. 60	HB 68
16-4-111	amended	Ch. 60	HB 68
	amended	Ch. 585	HB 164
16-4-113	enacted	Ch. 138	HB 127
16-4-115	amended	Ch. 97	HB 155
16-4-201	amended	Ch. 93	HB 144
	amended	Ch. 601	HB 305
16-4-203	amended	Ch. 645	SB 59
16-4-204	amended	Ch. 299	HB 578
	amended	Ch. 585	HB 164
16-4-205	amended	Ch. 371	HB 242
16-4-207	amended	Ch. 645	SB 59
16-4-208	amended	Ch. 97	HB 155
	amended	Ch. 359	SB 264
16-4-212	amended	Ch. 645	SB 59
16-4-213	amended	Ch. 645	SB 59
16-4-301	amended (replaced — sec. 2, Ch. 733)	Ch. 645	SB 59
	amended	Ch. 733	HB 783
16-4-305	amended	Ch. 60	HB 68
	amended	Ch. 97	HB 155
16-4-306	amended	Ch. 60	HB 68
	amended	Ch. 97	HB 155
16-4-311	amended	Ch. 601	HB 305

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16-4-312	amended	Ch. 55	HB 48
	amended	Ch. 209	HB 579
	amended	Ch. 661	SB 209
	amended	Ch. 728	HB 539
16-4-314	amended	Ch. 53	HB 31
	amended	Ch. 749	SB 75
16-4-401	amended (replaced — sec. 13, Ch. 601)	Ch. 371	HB 242
	amended	Ch. 601	HB 305
	amended (replaced — sec. 13, Ch. 601)	Ch. 749	SB 75
16-4-404	amended	Ch. 6	HB 43
	amended	Ch. 28	HB 71
16-4-407	amended	Ch. 42	HB 70
16-4-412	amended	Ch. 93	HB 144
16-4-413	amended	Ch. 32	HB 145
16-4-414	amended	Ch. 140	SB 21
16-4-415	amended	Ch. 97	HB 155
16-4-416	amended	Ch. 28	HB 71
16-4-417	amended	Ch. 29	HB 123
16-4-419	enacted	Ch. 140	SB 21
16-4-420	amended	Ch. 60	HB 68
	amended	Ch. 93	HB 144
	amended	Ch. 242	HB 72
	amended	Ch. 601	HB 305
16-4-430	amended	Ch. 93	HB 144
16-4-431	enacted	Ch. 6	HB 43
16-4-432	enacted	Ch. 29	HB 123
16-4-433	enacted	Ch. 28	HB 71
16-4-501	amended	Ch. 55	HB 48
	amended	Ch. 60	HB 68
	amended	Ch. 138	HB 127
16-4-801	amended	Ch. 28	HB 71
16-6-101	amended	Ch. 312	SB 63
16-6-103	amended	Ch. 129	HB 96
16-6-104	amended	Ch. 312	SB 63
16-6-301	amended	Ch. 312	SB 63
16-6-303	amended	Ch. 28	HB 71
16-6-304	amended	Ch. 312	SB 63
16-6-314	amended	Ch. 591	HB 95
16-11-102	amended	Ch. 652	SB 122
16-11-111	amended	Ch. 652	SB 122
16-11-119	amended	Ch. 547	HB 840
	amended	Ch. 738	HB 864
16-12-101	amended	Ch. 746	HB 948
16-12-102	amended (void — sec. 12, Ch. 743)	Ch. 712	HB 128
	amended	Ch. 743	HB 903
	amended	Ch. 746	HB 948
16-12-104	amended	Ch. 712	HB 128
	amended	Ch. 714	HB 229
16-12-106	amended	Ch. 712	HB 128
16-12-108	amended	Ch. 712	HB 128
	amended	Ch. 746	HB 948
16-12-109	amended	Ch. 712	HB 128
16-12-110	amended	Ch. 712	HB 128
16-12-117	enacted	Ch. 746	HB 948

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16-12-122	amended	Ch. 181	HB 286
	amended	Ch. 186	HB 310
	amended	Ch. 187	HB 311
	amended	Ch. 301	HB 557
16-12-125	amended	Ch. 712	HB 128
	amended	Ch. 746	HB 948
16-12-129	amended	Ch. 712	HB 128
16-12-201 ..... amended (void — sec. 11, Ch. 743)		Ch. 712	HB 128
	amended	Ch. 743	HB 903
16-12-202	amended	Ch. 712	HB 128
16-12-203	amended	Ch. 712	HB 128
16-12-206	amended	Ch. 712	HB 128
16-12-207	amended	Ch. 712	HB 128
	amended	Ch. 743	HB 903
16-12-208	amended	Ch. 712	HB 128
	amended	Ch. 746	HB 948
16-12-209	amended	Ch. 712	HB 128
16-12-210	amended	Ch. 712	HB 128
16-12-222	amended	Ch. 712	HB 128
16-12-223 ..... amended (void — sec. 10, Ch. 743)		Ch. 712	HB 128
	amended	Ch. 743	HB 903
16-12-224	amended	Ch. 714	HB 229
	amended	Ch. 743	HB 903
16-12-225	amended	Ch. 712	HB 128
	amended	Ch. 743	HB 903
16-12-226	amended	Ch. 712	HB 128
16-12-301	amended	Ch. 712	HB 128
16-12-302	amended	Ch. 712	HB 128
16-12-305	enacted	Ch. 746	HB 948
16-12-310	amended	Ch. 712	HB 128
16-12-311	amended	Ch. 712	HB 128
16-12-508	amended	Ch. 712	HB 128
16-12-509	amended	Ch. 743	HB 903
16-12-524	repealed	Ch. 712	HB 128
16-12-532	repealed	Ch. 712	HB 128
17-1-107	enacted	Ch. 249	HB 210
17-3-1001	amended	Ch. 325	SB 117
17-4-103	amended	Ch. 39	HB 58
17-4-105	amended	Ch. 39	HB 58
17-5-205	amended	Ch. 58	HB 56
17-5-703	amended	Ch. 636	HB 881
	amended	Ch. 717	HB 321
17-5-903	amended	Ch. 123	HB 76
17-5-1302	amended	Ch. 58	HB 56
17-5-1312	amended	Ch. 58	HB 56
17-5-1313	amended	Ch. 58	HB 56
17-5-1316	amended	Ch. 58	HB 56
17-5-1318	amended	Ch. 58	HB 56
17-5-1650	amended	Ch. 496	HB 400
17-5-1651	amended	Ch. 23	HB 138
17-5-2201	amended	Ch. 58	HB 56
17-6-202	amended	Ch. 48	HB 251
17-6-214	enacted	Ch. 48	HB 251
17-6-231	enacted	Ch. 175	HB 228

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17-6-232	enacted	Ch. 175	HB 228
17-6-233	enacted	Ch. 175	HB 228
17-6-234	enacted	Ch. 175	HB 228
17-6-308	amended	Ch. 774	HB 819
17-6-407	amended	Ch. 636	HB 881
17-6-409	amended	Ch. 636	HB 881
17-6-801	enacted	Ch. 774	HB 819
17-6-802	enacted	Ch. 774	HB 819
17-6-803	enacted	Ch. 774	HB 819
17-6-804	enacted	Ch. 774	HB 819
17-6-805	enacted	Ch. 774	HB 819
17-7-102	amended	Ch. 722	HB 424
17-7-111	amended	Ch. 760	HB 190
17-7-130	amended	Ch. 722	HB 424
17-7-133	enacted	Ch. 722	HB 424
17-7-134	enacted	Ch. 722	HB 424
17-7-140	amended	Ch. 722	HB 424
17-7-201	amended	Ch. 763	HB 5
17-7-209	amended	Ch. 722	HB 424
17-7-225	enacted	Ch. 762	HB 856
17-7-226	enacted	Ch. 762	HB 856
17-7-227	enacted	Ch. 762	HB 856
17-7-228	enacted	Ch. 762	HB 856
17-7-502	amended	Ch. 44	HB 192
	amended	Ch. 47	HB 222
	amended	Ch. 48	HB 251
	amended	Ch. 49	HB 267
	amended	Ch. 75	HB 51
	amended	Ch. 123	HB 76
	amended	Ch. 134	HB 106
	amended	Ch. 558	HB 408
	amended	Ch. 616	HB 393
	amended	Ch. 698	SB 536
	amended	Ch. 722	HB 424
	amended	Ch. 729	HB 569
	amended	Ch. 758	SB 522
	amended	Ch. 764	HB 816
	amended	Ch. 770	HB 332
17-8-108	enacted	Ch. 491	HB 862
18-2-102	amended	Ch. 96	HB 151
18-2-103	amended	Ch. 96	HB 151
18-2-105	amended	Ch. 96	HB 151
18-2-111	amended	Ch. 96	HB 151
18-2-201	amended	Ch. 96	HB 151
18-2-301	amended	Ch. 96	HB 151
18-2-302	amended	Ch. 96	HB 151
18-2-501	amended	Ch. 96	HB 151
	amended	Ch. 418	SB 483
18-2-502	amended	Ch. 418	SB 483
18-2-503	amended	Ch. 418	SB 483
18-3-110	amended	Ch. 489	SB 51
18-4-132	amended	Ch. 300	HB 573
	amended	Ch. 489	SB 51
18-4-303	amended	Ch. 489	SB 51

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18-4-304	amended	Ch. 489	SB 51
18-4-307	amended	Ch. 489	SB 51
18-4-313	amended	Ch. 418	SB 483
18-8-204	amended	Ch. 145	SB 57
18-8-205	amended	Ch. 145	SB 57
19-2-403	amended	Ch. 400	SB 74
19-2-405	amended	Ch. 729	HB 569
19-2-409	amended	Ch. 729	HB 569
19-2-603	amended	Ch. 400	SB 74
19-2-803	amended	Ch. 400	SB 74
19-2-1005	amended	Ch. 400	SB 74
19-3-108	amended	Ch. 400	SB 74
19-3-109	enacted	Ch. 2	SB 18
19-5-106	enacted	Ch. 2	SB 18
19-5-404	amended	Ch. 729	HB 569
19-6-107	enacted	Ch. 2	SB 18
19-6-404	amended	Ch. 729	HB 569
19-6-501	amended	Ch. 729	HB 569
19-7-106	enacted	Ch. 2	SB 18
19-7-403	amended	Ch. 729	HB 569
19-7-404	amended	Ch. 729	HB 569
19-7-501	amended	Ch. 729	HB 569
19-8-106	enacted	Ch. 2	SB 18
19-8-504	amended	Ch. 729	HB 569
19-9-109	enacted	Ch. 2	SB 18
19-13-111	enacted	Ch. 2	SB 18
19-13-115	amended	Ch. 166	HB 109
19-17-117	enacted	Ch. 2	SB 18
19-20-111	enacted	Ch. 2	SB 18
19-20-202	amended	Ch. 603	HB 314
19-20-208	amended	Ch. 245	HB 135
19-20-307	enacted	Ch. 245	HB 135
19-20-409	amended	Ch. 245	HB 135
19-20-417	amended	Ch. 245	HB 135
19-20-427	amended	Ch. 245	HB 135
19-20-715	amended	Ch. 245	HB 135
19-20-719	amended	Ch. 245	HB 135
19-20-731	amended	Ch. 135	HB 117
19-20-732	amended	Ch. 135	HB 117
19-20-734	amended	Ch. 135	HB 117
19-20-805	amended	Ch. 245	HB 135
19-20-901	amended	Ch. 245	HB 135
19-20-903	amended	Ch. 245	HB 135
19-20-1001	amended	Ch. 245	HB 135
19-20-1002	amended	Ch. 245	HB 135
20-1-101	amended	Ch. 580	HB 214
	amended	Ch. 724	HB 458
20-1-102	amended	Ch. 387	HB 535
20-1-220	amended	Ch. 712	HB 128
20-1-233	enacted	Ch. 256	HB 361
20-1-401	amended	Ch. 348	SB 213
20-1-501	amended	Ch. 718	HB 338
20-1-502	amended	Ch. 718	HB 338
20-1-503	amended	Ch. 718	HB 338

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20-2-101	amended	Ch. 112	HB 531
20-3-101	amended	Ch. 168	HB 181
20-3-103	amended	Ch. 168	HB 181
20-3-106	amended	Ch. 240	HB 36
20-3-314	enacted	Ch. 276	HB 811
20-3-322	amended	Ch. 396	HB 724
20-3-323	amended	Ch. 305	HB 504
20-3-324	amended	Ch. 640	SB 10
20-3-326	enacted	Ch. 693	SB 518
20-3-331	amended	Ch. 770	HB 332
20-3-363	amended	Ch. 580	HB 214
20-3-366	enacted	Ch. 770	HB 332
20-3-367	enacted	Ch. 770	HB 332
20-3-368	enacted	Ch. 770	HB 332
20-3-369	enacted	Ch. 770	HB 332
20-3-370	enacted	Ch. 770	HB 332
20-4-104	amended	Ch. 470	SB 373
20-4-109 amended (void — sec. 3, Ch. 370; sec. 3, Ch. 721)		Ch. 40	HB 22
amended (void — sec. 3, Ch. 721)		Ch. 370	HB 231
	amended	Ch. 721	HB 403
20-4-120	enacted	Ch. 470	SB 373
20-4-127	enacted	Ch. 390	HB 583
20-4-131	repealed	Ch. 370	HB 231
20-4-132	repealed	Ch. 370	HB 231
20-4-133	repealed	Ch. 370	HB 231
20-4-502	amended	Ch. 232	SB 70
	amended	Ch. 713	HB 137
20-4-503	amended	Ch. 232	SB 70
20-4-504	amended	Ch. 232	SB 70
20-4-701	enacted	Ch. 545	HB 833
20-4-702	enacted	Ch. 545	HB 833
20-5-101	amended	Ch. 608	HB 352
	amended	Ch. 617	HB 396
amended (void — sec. 8, Ch. 745)		Ch. 745	HB 946
20-5-102	amended	Ch. 617	HB 396
20-5-103	amended	Ch. 693	SB 518
20-5-201	amended	Ch. 266	HB 450
20-5-209	amended	Ch. 266	HB 450
20-5-320	amended	Ch. 368	HB 203
20-5-321	amended	Ch. 368	HB 203
20-5-322	amended	Ch. 368	HB 203
20-5-323	amended	Ch. 368	HB 203
20-5-324	amended	Ch. 368	HB 203
20-5-403	amended	Ch. 534	HB 715
20-5-405	amended	Ch. 534	HB 715
20-6-603	amended	Ch. 640	SB 10
20-6-621	amended	Ch. 640	SB 10
20-6-801	enacted	Ch. 510	HB 549
20-6-802	enacted	Ch. 510	HB 549
20-6-803	enacted	Ch. 510	HB 549
20-6-804	enacted	Ch. 510	HB 549
20-6-805	enacted	Ch. 510	HB 549
20-6-806	enacted	Ch. 510	HB 549
20-6-807	enacted	Ch. 510	HB 549

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20-6-808	enacted	Ch. 510	HB 549
20-6-809	enacted	Ch. 510	HB 549
20-6-810	enacted	Ch. 510	HB 549
20-6-811	enacted	Ch. 510	HB 549
20-6-812	enacted	Ch. 510	HB 549
20-6-813	enacted	Ch. 510	HB 549
20-6-814	enacted	Ch. 510	HB 549
20-7-101	amended	Ch. 81	HB 21
20-7-104	amended (void — sec. 8, Ch. 747)	Ch. 417	SB 480
	amended	Ch. 747	HB 949
20-7-106	amended	Ch. 606	HB 346
20-7-112	amended	Ch. 280	HB 745
	amended	Ch. 281	HB 744
20-7-117	amended	Ch. 608	HB 352
	amended (void — sec. 8, Ch. 745)	Ch. 745	HB 946
20-7-118	amended	Ch. 580	HB 214
20-7-134	amended	Ch. 303	HB 545
20-7-135	enacted	Ch. 719	HB 359
20-7-136	enacted	Ch. 747	HB 949
20-7-137	enacted	Ch. 747	HB 949
20-7-138	enacted	Ch. 747	HB 949
20-7-307	enacted	Ch. 477	SB 444
20-7-320	amended	Ch. 706	HB 382
20-7-335	enacted	Ch. 724	HB 458
20-7-403	amended	Ch. 156	HB 171
20-7-404	amended	Ch. 521	HB 619
20-7-419	amended	Ch. 156	HB 171
20-7-435	amended	Ch. 156	HB 171
20-7-436	amended	Ch. 156	HB 171
20-7-1201	amended	Ch. 537	HB 749
20-7-1203	enacted	Ch. 537	HB 749
20-7-1306	amended	Ch. 685	SB 458
20-7-1321	amended	Ch. 167	HB 112
20-7-1503	amended	Ch. 574	HB 257
20-7-1506	amended	Ch. 574	HB 257
20-7-1601	amended	Ch. 307	SB 8
	amended	Ch. 580	HB 214
20-7-1602	amended	Ch. 307	SB 8
20-7-1701	enacted	Ch. 616	HB 393
20-7-1702	enacted	Ch. 616	HB 393
20-7-1703	enacted	Ch. 616	HB 393
20-7-1704	enacted	Ch. 616	HB 393
20-7-1705	enacted	Ch. 616	HB 393
20-7-1706	enacted	Ch. 616	HB 393
20-7-1707	enacted	Ch. 616	HB 393
20-7-1708	enacted	Ch. 616	HB 393
20-7-1709	enacted	Ch. 616	HB 393
20-7-1710	enacted	Ch. 616	HB 393
20-7-1801	enacted	Ch. 608	HB 352
20-7-1802	enacted	Ch. 608	HB 352
20-7-1803	enacted	Ch. 608	HB 352
20-7-1804	enacted	Ch. 608	HB 352
20-9-104	amended	Ch. 640	SB 10

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20-9-141	amended	Ch. 240	HB 36
	amended	Ch. 368	HB 203
	amended	Ch. 640	SB 10
20-9-166	amended	Ch. 240	HB 36
20-9-204	amended	Ch. 396	HB 724
20-9-236	amended	Ch. 348	SB 213
20-9-240	repealed	Ch. 739	HB 872
20-9-250	enacted	Ch. 558	HB 408
20-9-306	amended	Ch. 31	HB 15
	amended	Ch. 640	SB 10
20-9-308	amended	Ch. 240	HB 36
20-9-310	amended	Ch. 240	HB 36
20-9-311	amended	Ch. 580	HB 214
	amended	Ch. 608	HB 352
20-9-313	amended	Ch. 240	HB 36
20-9-314	repealed	Ch. 240	HB 36
20-9-324	amended	Ch. 515	HB 588
20-9-327	amended	Ch. 685	SB 458
	amended	Ch. 713	HB 137
20-9-329	amended	Ch. 718	HB 338
20-9-331	amended	Ch. 772	HB 587
20-9-333	amended	Ch. 772	HB 587
20-9-336	enacted (replaced — sec. 9, Ch. 745)	Ch. 772	HB 587
20-9-353	amended	Ch. 640	SB 10
20-9-360	amended	Ch. 772	HB 587
20-9-366	amended (replaced — sec. 9, Ch. 745)	Ch. 45	HB 212
	amended	Ch. 772	HB 587
20-9-407	amended	Ch. 644	SB 46
20-9-412	amended	Ch. 182	HB 291
20-9-426	amended (replaced — sec. 5, Ch. 653)	Ch. 388	HB 543
	amended	Ch. 653	SB 123
20-9-525	amended	Ch. 772	HB 587
20-9-537	amended	Ch. 571	HB 287
20-9-622	amended	Ch. 772	HB 587
20-9-638	amended	Ch. 152	SB 1
20-10-101	amended	Ch. 149	SB 69
20-10-129	amended	Ch. 149	SB 69
20-10-141	amended	Ch. 149	SB 69
20-10-148	amended	Ch. 149	SB 69
20-11-101	enacted	Ch. 513	HB 562
20-11-102	enacted	Ch. 513	HB 562
20-11-103	enacted	Ch. 513	HB 562
20-11-106	enacted	Ch. 513	HB 562
20-11-107	enacted	Ch. 513	HB 562
20-11-108	enacted	Ch. 513	HB 562
20-11-109	enacted	Ch. 513	HB 562
20-11-110	enacted	Ch. 513	HB 562
20-11-111	enacted	Ch. 513	HB 562
20-11-112	enacted	Ch. 513	HB 562
20-11-116	enacted	Ch. 513	HB 562
20-11-117	enacted	Ch. 513	HB 562
20-11-118	enacted	Ch. 513	HB 562
20-11-119	enacted	Ch. 513	HB 562
20-11-124	enacted	Ch. 513	HB 562

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20-11-125	enacted	Ch. 513	HB 562
20-11-126	enacted	Ch. 513	HB 562
20-20-105	amended	Ch. 396	HB 724
	amended	Ch. 640	SB 10
20-25-421	amended	Ch. 455	SB 289
20-25-501	amended	Ch. 685	SB 458
20-25-707	amended	Ch. 685	SB 458
20-26-633	enacted	Ch. 629	HB 482
20-26-634	enacted	Ch. 629	HB 482
22-1-230	enacted	Ch. 425	SB 60
22-1-231	enacted	Ch. 425	SB 60
22-1-326	amended	Ch. 621	HB 91
22-1-327	amended	Ch. 621	HB 91
22-2-306	amended	Ch. 685	SB 458
22-3-120	enacted	Ch. 599	HB 377
22-3-432	amended	Ch. 297	HB 586
22-3-804	amended	Ch. 106	HB 281
22-3-1305	amended	Ch. 710	HB 12
22-3-1306	amended	Ch. 710	HB 12
23-1-129	enacted	Ch. 380	HB 440
23-2-111	amended	Ch. 605	HB 333
23-2-112	amended	Ch. 605	HB 333
23-2-113	amended	Ch. 605	HB 333
23-2-408	amended	Ch. 736	HB 846
23-2-409	amended	Ch. 736	HB 846
23-2-535	amended	Ch. 151	SB 13
23-2-614	amended	Ch. 22	HB 99
23-2-636	amended	Ch. 605	HB 333
23-2-814	amended	Ch. 605	HB 333
23-2-825	amended	Ch. 254	HB 331
23-4-105	amended	Ch. 697	SB 535
23-5-119	amended	Ch. 28	HB 71
23-5-602	amended	Ch. 598	HB 297
23-5-610	amended	Ch. 598	HB 297
23-5-614	amended	Ch. 302	HB 550
23-7-201	amended	Ch. 603	HB 314
23-7-202	amended	Ch. 15	SB 102
23-7-210	amended	Ch. 105	HB 273
23-7-301	amended	Ch. 15	SB 102
23-7-314	repealed 6/30/2024	Ch. 697	SB 535
25-1-202	amended	Ch. 693	SB 518
25-1-1104	amended	Ch. 481	SB 454
25-3-107	enacted	Ch. 263	HB 410
25-7-105	amended	Ch. 452	SB 279
25-13-608	amended	Ch. 669	SB 294
26-1-802	amended	Ch. 446	SB 325
26-1-1013	enacted	Ch. 410	SB 378
26-2-506	amended	Ch. 664	SB 229
27-1-221	amended	Ch. 658	SB 169
27-1-521	enacted	Ch. 719	HB 359
27-1-703	amended	Ch. 436	SB 216
27-1-710	amended	Ch. 321	SB 107
27-1-714	amended	Ch. 241	HB 63
27-1-719	amended	Ch. 436	SB 216

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27-1-723	enacted	Ch. 485	SB 491
27-1-736	amended	Ch. 705	SB 564
27-1-748	enacted	Ch. 414	SB 423
27-1-755	amended	Ch. 167	HB 112
27-1-1101	amended	Ch. 713	HB 137
27-2-202	amended	Ch. 665	SB 247
27-2-216	amended	Ch. 167	HB 112
27-19-103	amended	Ch. 79	SB 135
27-19-201	amended	Ch. 43	SB 191
27-19-301	amended	Ch. 43	SB 191
27-19-315	amended	Ch. 43	SB 191
	amended	Ch. 285	HB 695
27-19-316	amended	Ch. 78	SB 134
27-19-317	amended	Ch. 78	SB 134
27-19-318	amended	Ch. 78	SB 134
27-19-320	enacted	Ch. 80	SB 136
28-2-710	enacted	Ch. 273	SB 218
28-2-724	enacted	Ch. 479	SB 451
28-10-103	amended	Ch. 381	HB 443
30-9A-525	amended	Ch. 568	HB 477
30-10-103	amended	Ch. 166	HB 109
30-10-341	amended	Ch. 157	HB 156
30-10-1004	amended	Ch. 157	HB 156
30-10-1103	amended	Ch. 166	HB 109
30-11-717	amended	Ch. 362	SB 411
30-11-718	amended	Ch. 362	SB 411
30-11-719	amended	Ch. 362	SB 411
30-11-720	enacted	Ch. 362	SB 411
30-12-202	amended	Ch. 228	SB 53
30-12-203	amended	Ch. 228	SB 53
30-14-144	amended	Ch. 12	SB 34
30-14-158	enacted	Ch. 503	SB 419
30-14-159	enacted	Ch. 700	SB 544
30-14-160	enacted	Ch. 677	SB 359
30-14-228	enacted	Ch. 704	SB 558
30-14-1301	amended	Ch. 525	HB 668
30-14-1302	amended	Ch. 525	HB 668
30-14-1303	amended	Ch. 525	HB 668
30-14-1305	enacted	Ch. 525	HB 668
30-14-2801	enacted	Ch. 681	SB 384
30-14-2802	enacted	Ch. 681	SB 384
30-14-2803	enacted	Ch. 681	SB 384
30-14-2804	enacted	Ch. 681	SB 384
30-14-2808	enacted	Ch. 681	SB 384
30-14-2809	enacted	Ch. 681	SB 384
30-14-2812	enacted	Ch. 681	SB 384
30-14-2813	enacted	Ch. 681	SB 384
30-14-2814	enacted	Ch. 681	SB 384
30-14-2815	enacted	Ch. 681	SB 384
30-14-2816	enacted	Ch. 681	SB 384
30-14-2817	enacted	Ch. 681	SB 384
30-18-103	amended	Ch. 647	SB 93
30-20-301	enacted	Ch. 193	HB 356
30-22-101	amended	Ch. 372	HB 255

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30-22-102	amended	Ch. 372	HB 255
30-22-104	enacted	Ch. 372	HB 255
30-23-101	enacted	Ch. 768	SB 351
30-23-102	enacted	Ch. 768	SB 351
30-23-103	enacted	Ch. 768	SB 351
30-23-104	enacted	Ch. 768	SB 351
30-23-105	enacted	Ch. 768	SB 351
30-23-106	enacted	Ch. 768	SB 351
31-4-101	enacted	Ch. 360	SB 269
31-4-102	enacted	Ch. 360	SB 269
31-4-103	enacted	Ch. 360	SB 269
31-4-104	enacted	Ch. 360	SB 269
31-4-107	enacted	Ch. 360	SB 269
31-4-108	enacted	Ch. 360	SB 269
31-4-112	enacted	Ch. 360	SB 269
31-4-118	enacted	Ch. 360	SB 269
31-4-119	enacted	Ch. 360	SB 269
31-4-120	enacted	Ch. 360	SB 269
31-4-125	enacted	Ch. 360	SB 269
32-1-109	amended	Ch. 23	HB 138
32-1-112	amended	Ch. 23	HB 138
32-1-201	repealed	Ch. 23	HB 138
32-1-202	repealed	Ch. 23	HB 138
32-1-203	repealed	Ch. 23	HB 138
32-1-204	repealed	Ch. 23	HB 138
32-1-205	repealed	Ch. 23	HB 138
32-1-206	repealed	Ch. 23	HB 138
32-1-211	amended	Ch. 23	HB 138
32-1-222	amended	Ch. 23	HB 138
32-1-233	amended	Ch. 23	HB 138
32-1-234	amended	Ch. 23	HB 138
32-1-240	enacted	Ch. 23	HB 138
32-1-241	enacted	Ch. 23	HB 138
32-1-242	enacted	Ch. 23	HB 138
32-1-243	enacted	Ch. 23	HB 138
32-1-244	enacted	Ch. 23	HB 138
32-1-245	enacted	Ch. 23	HB 138
32-1-246	enacted	Ch. 23	HB 138
32-1-301	amended	Ch. 23	HB 138
	amended	Ch. 415	SB 430
32-1-302	amended	Ch. 23	HB 138
32-1-303	repealed	Ch. 23	HB 138
32-1-307	amended	Ch. 23	HB 138
32-1-322	amended	Ch. 415	SB 430
32-1-325	amended	Ch. 23	HB 138
32-1-372	amended	Ch. 23	HB 138
32-1-402	amended	Ch. 23	HB 138
32-1-403	amended	Ch. 23	HB 138
32-1-423	amended	Ch. 257	HB 371
32-1-426	amended	Ch. 23	HB 138
32-1-427	amended	Ch. 23	HB 138
32-1-452	amended	Ch. 23	HB 138
32-1-561	amended	Ch. 23	HB 138
32-1-563	amended	Ch. 23	HB 138

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32-1-564	amended	Ch. 23	HB 138
32-1-801	repealed	Ch. 23	HB 138
32-1-802	repealed	Ch. 23	HB 138
32-1-803	repealed	Ch. 23	HB 138
32-1-804	repealed	Ch. 23	HB 138
32-1-805	repealed	Ch. 23	HB 138
32-1-806	repealed	Ch. 23	HB 138
32-1-807	repealed	Ch. 23	HB 138
32-1-808	repealed	Ch. 23	HB 138
32-1-1501	amended	Ch. 12	SB 34
32-1-1502	amended	Ch. 12	SB 34
32-1-1503	amended	Ch. 12	SB 34
32-1-1504	amended	Ch. 12	SB 34
32-2-827	amended	Ch. 24	HB 139
32-9-103	amended	Ch. 4	HB 30
32-9-104	amended	Ch. 4	HB 30
32-9-120	amended	Ch. 4	HB 30
32-9-122	amended	Ch. 4	HB 30
32-9-130	amended	Ch. 4	HB 30
32-9-160	amended	Ch. 4	HB 30
32-9-166	amended	Ch. 4	HB 30
32-9-171	repealed	Ch. 4	HB 30
32-9-173	enacted	Ch. 4	HB 30
32-9-201	enacted	Ch. 4	HB 30
32-9-202	enacted	Ch. 4	HB 30
32-9-206	enacted	Ch. 4	HB 30
32-9-207	enacted	Ch. 4	HB 30
32-9-208	enacted	Ch. 4	HB 30
32-9-209	enacted	Ch. 4	HB 30
32-11-101	repealed	Ch. 13	SB 35
32-11-102	repealed	Ch. 13	SB 35
32-11-103	repealed	Ch. 13	SB 35
32-11-104	repealed	Ch. 13	SB 35
32-11-105	repealed	Ch. 13	SB 35
32-11-106	repealed	Ch. 13	SB 35
32-11-107	repealed	Ch. 13	SB 35
32-11-108	repealed	Ch. 13	SB 35
32-11-201	repealed	Ch. 13	SB 35
32-11-202	repealed	Ch. 13	SB 35
32-11-203	repealed	Ch. 13	SB 35
32-11-204	repealed	Ch. 13	SB 35
32-11-205	repealed	Ch. 13	SB 35
32-11-206	repealed	Ch. 13	SB 35
32-11-207	repealed	Ch. 13	SB 35
32-11-208	repealed	Ch. 13	SB 35
32-11-209	repealed	Ch. 13	SB 35
32-11-210	repealed	Ch. 13	SB 35
32-11-211	repealed	Ch. 13	SB 35
32-11-212	repealed	Ch. 13	SB 35
32-11-215	repealed	Ch. 13	SB 35
32-11-216	repealed	Ch. 13	SB 35
32-11-217	repealed	Ch. 13	SB 35
32-11-218	repealed	Ch. 13	SB 35
32-11-219	repealed	Ch. 13	SB 35

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32-11-220	repealed	Ch. 13	SB 35
32-11-221	repealed	Ch. 13	SB 35
32-11-222	repealed	Ch. 13	SB 35
32-11-223	repealed	Ch. 13	SB 35
32-11-224	repealed	Ch. 13	SB 35
32-11-225	repealed	Ch. 13	SB 35
32-11-226	repealed	Ch. 13	SB 35
32-11-301	repealed	Ch. 13	SB 35
32-11-302	repealed	Ch. 13	SB 35
32-11-303	repealed	Ch. 13	SB 35
32-11-304	repealed	Ch. 13	SB 35
32-11-305	repealed	Ch. 13	SB 35
32-11-306	repealed	Ch. 13	SB 35
32-11-307	repealed	Ch. 13	SB 35
32-11-308	repealed	Ch. 13	SB 35
32-11-309	repealed	Ch. 13	SB 35
32-11-310	repealed	Ch. 13	SB 35
32-11-311	repealed	Ch. 13	SB 35
32-11-312	repealed	Ch. 13	SB 35
32-11-313	repealed	Ch. 13	SB 35
32-11-401	repealed	Ch. 13	SB 35
32-11-402	repealed	Ch. 13	SB 35
32-11-403	repealed	Ch. 13	SB 35
32-11-404	repealed	Ch. 13	SB 35
32-11-405	repealed	Ch. 13	SB 35
32-11-406	repealed	Ch. 13	SB 35
32-11-407	repealed	Ch. 13	SB 35
32-11-411	repealed	Ch. 13	SB 35
32-11-412	repealed	Ch. 13	SB 35
32-11-413	repealed	Ch. 13	SB 35
32-11-414	repealed	Ch. 13	SB 35
33-1-102	amended	Ch. 525	HB 668
	amended	Ch. 546	HB 836
33-1-201	amended	Ch. 685	SB 458
33-1-408	amended	Ch. 157	HB 156
33-1-605	amended	Ch. 157	HB 156
33-1-1502	amended	Ch. 157	HB 156
33-2-116	amended	Ch. 157	HB 156
33-2-312	amended	Ch. 157	HB 156
33-2-322	repealed	Ch. 157	HB 156
33-2-324	enacted	Ch. 157	HB 156
33-2-2402	amended	Ch. 157	HB 156
33-2-2404	amended	Ch. 157	HB 156
33-2-2501	enacted	Ch. 546	HB 836
33-4-509	amended	Ch. 157	HB 156
33-7-123	repealed	Ch. 157	HB 156
33-7-127	enacted	Ch. 157	HB 156
33-7-531	amended	Ch. 157	HB 156
33-10-204	amended	Ch. 157	HB 156
33-15-336	amended	Ch. 157	HB 156
33-17-212	amended	Ch. 592	HB 62
33-17-241	amended	Ch. 486	HB 567
33-17-242	amended	Ch. 486	HB 567
33-17-405	repealed	Ch. 157	HB 156

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33-17-410	enacted	Ch. 157	HB 156
33-17-1101	amended	Ch. 157	HB 156
33-17-1204	amended	Ch. 7	HB 61
33-17-1401	amended	Ch. 517	HB 591
33-17-1402	amended	Ch. 517	HB 591
33-17-1404	amended	Ch. 517	HB 591
33-17-1405	enacted	Ch. 517	HB 591
33-17-1406	enacted	Ch. 517	HB 591
33-17-1407	enacted	Ch. 517	HB 591
33-17-1408	enacted	Ch. 517	HB 591
33-17-1601	enacted	Ch. 592	HB 62
33-17-1602	enacted	Ch. 592	HB 62
33-18-218	enacted	Ch. 419	SB 492
33-18-219	enacted	Ch. 419	SB 492
33-18-242	amended	Ch. 356	SB 260
	amended	Ch. 430	SB 165
33-18-243	enacted	Ch. 430	SB 165
33-18-251	enacted	Ch. 352	SB 236
33-20-606	amended	Ch. 157	HB 156
33-20-1304	amended	Ch. 157	HB 156
33-20-1316	amended	Ch. 157	HB 156
33-20-1501	amended	Ch. 202	HB 505
33-22-101	amended	Ch. 600	HB 302
33-22-114	amended	Ch. 88	HB 313
33-22-127	enacted	Ch. 157	HB 156
33-22-129	amended	Ch. 463	SB 340
	amended	Ch. 520	HB 612
33-22-132	amended	Ch. 215	HB 665
33-22-154	enacted	Ch. 179	HB 263
33-22-155	enacted	Ch. 600	HB 302
33-22-156	amended	Ch. 157	HB 156
33-22-170	amended	Ch. 157	HB 156
33-22-172	amended	Ch. 157	HB 156
33-22-173	amended	Ch. 157	HB 156
33-22-177	amended	Ch. 157	HB 156
33-22-312	enacted	Ch. 463	SB 340
33-22-316	enacted	Ch. 520	HB 612
33-22-1128	amended	Ch. 157	HB 156
33-22-1316	amended	Ch. 157	HB 156
33-22-2101	enacted	Ch. 782	SB 516
33-22-2102	enacted	Ch. 782	SB 516
33-22-2103	enacted	Ch. 782	SB 516
33-22-2104	enacted	Ch. 782	SB 516
33-23-310	amended	Ch. 157	HB 156
33-25-105	amended	Ch. 157	HB 156
33-25-301	amended	Ch. 157	HB 156
33-26-108	amended	Ch. 592	HB 62
33-28-207	amended	Ch. 356	SB 260
33-30-1019	amended	Ch. 713	HB 137
33-30-1020	amended	Ch. 713	HB 137
33-31-111	amended	Ch. 88	HB 313
	amended	Ch. 179	HB 263
	amended	Ch. 600	HB 302
	amended	Ch. 782	SB 516

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33-31-201	amended	Ch. 157	HB 156
33-32-215	amended	Ch. 157	HB 156
33-32-221	enacted	Ch. 680	SB 380
33-33-102	amended	Ch. 157	HB 156
33-33-201	amended	Ch. 157	HB 156
33-33-202	amended	Ch. 157	HB 156
33-35-306	amended	Ch. 88	HB 313
	amended	Ch. 179	HB 263
	amended	Ch. 463	SB 340
	amended	Ch. 520	HB 612
	amended	Ch. 600	HB 302
	amended	Ch. 782	SB 516
33-36-102	amended	Ch. 157	HB 156
33-36-103	amended	Ch. 157	HB 156
	amended	Ch. 602	HB 312
33-36-105	amended	Ch. 157	HB 156
33-36-201	amended	Ch. 157	HB 156
33-36-203	amended	Ch. 157	HB 156
33-36-209	amended	Ch. 157	HB 156
33-36-210	amended	Ch. 157	HB 156
33-36-211	amended	Ch. 157	HB 156
33-36-212	amended	Ch. 157	HB 156
33-36-213	amended	Ch. 157	HB 156
33-36-301	amended	Ch. 157	HB 156
33-36-302	amended	Ch. 157	HB 156
33-36-303	amended	Ch. 157	HB 156
33-36-304	amended	Ch. 157	HB 156
33-36-305	amended	Ch. 157	HB 156
33-36-401	amended	Ch. 157	HB 156
35-2-129	enacted	Ch. 458	SB 307
35-2-420	amended	Ch. 339	SB 167
35-14-125	amended	Ch. 568	HB 477
35-14-140	amended	Ch. 568	HB 477
35-14-403	amended	Ch. 568	HB 477
35-15-201	amended	Ch. 277	HB 805
35-15-203	amended	Ch. 277	HB 805
35-15-302	amended	Ch. 277	HB 805
35-15-411	amended	Ch. 277	HB 805
35-15-503	amended	Ch. 277	HB 805
35-17-305	amended	Ch. 277	HB 805
35-20-209	amended	Ch. 685	SB 458
35-30-103	enacted	Ch. 434	SB 203
37-1-109	enacted	Ch. 366	HB 115
37-1-123	enacted	Ch. 620	HB 87
37-1-124	enacted	Ch. 620	HB 87
37-1-133	amended	Ch. 620	HB 87
37-1-145	amended	Ch. 390	HB 583
37-1-146	enacted	Ch. 390	HB 583
37-1-147	enacted	Ch. 390	HB 583
37-1-304	amended	Ch. 590	HB 101
37-1-308	amended (replaced — sec. 7, Ch. 381)	Ch. 376	HB 303
	amended	Ch. 381	HB 443
37-1-316	amended	Ch. 381	HB 443
37-1-317	repealed	Ch. 366	HB 115

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37-1-318	repealed	Ch. 366	HB 115
37-1-332	repealed	Ch. 366	HB 115
37-1-401	amended	Ch. 481	SB 454
	amended	Ch. 482	SB 455
	amended	Ch. 483	SB 456
	amended	Ch. 484	SB 457
	amended	Ch. 628	HB 449
	amended	Ch. 713	HB 137
37-1-402	amended	Ch. 381	HB 443
37-1-410	amended	Ch. 381	HB 443
37-2-101	amended	Ch. 322	SB 112
37-2-102	amended	Ch. 322	SB 112
37-2-103	amended	Ch. 322	SB 112
37-2-104	amended	Ch. 237	SB 101
	amended	Ch. 322	SB 112
37-2-108	amended	Ch. 322	SB 112
37-2-306	enacted	Ch. 197	HB 417
37-2-307	enacted	Ch. 306	SB 99
37-2-501	enacted	Ch. 533	HB 706
37-2-502	enacted	Ch. 533	HB 706
37-2-503	enacted	Ch. 533	HB 706
37-2-504	enacted	Ch. 533	HB 706
37-2-603	enacted	Ch. 628	HB 449
37-2-610	enacted	Ch. 628	HB 449
37-3-203	amended	Ch. 275	SB 453
	amended	Ch. 705	SB 564
37-3-325	repealed	Ch. 366	HB 115
37-3-326	repealed	Ch. 366	HB 115
37-3-802	amended	Ch. 705	SB 564
37-3-803	amended	Ch. 705	SB 564
37-3-804	amended	Ch. 705	SB 564
37-3-805	amended	Ch. 705	SB 564
37-3-808	enacted	Ch. 705	SB 564
37-4-326	repealed	Ch. 366	HB 115
37-4-327	repealed	Ch. 366	HB 115
37-4-328	repealed	Ch. 366	HB 115
37-6-312	repealed	Ch. 366	HB 115
37-7-101	amended	Ch. 322	SB 112
37-7-103	amended	Ch. 322	SB 112
	amended	Ch. 759	SB 561
37-7-105	amended	Ch. 216	HB 710
37-7-106	enacted	Ch. 322	SB 112
37-7-323	repealed	Ch. 366	HB 115
37-7-407	repealed	Ch. 366	HB 115
37-7-510	repealed	Ch. 366	HB 115
37-7-711	repealed	Ch. 366	HB 115
37-7-1506	amended	Ch. 405	SB 284
37-7-1513	amended	Ch. 366	HB 115
37-8-202	amended	Ch. 291	HB 655
37-8-423	amended	Ch. 246	HB 154
37-8-443	repealed	Ch. 366	HB 115
37-8-444	repealed	Ch. 366	HB 115
37-9-312	repealed	Ch. 366	HB 115
37-10-312	repealed	Ch. 366	HB 115

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37-10-313	repealed	Ch. 366	HB 115
37-11-302	repealed	Ch. 366	HB 115
37-11-322	repealed	Ch. 366	HB 115
37-12-324	repealed	Ch. 366	HB 115
37-13-103	amended	Ch. 275	SB 453
37-13-315	repealed	Ch. 366	HB 115
37-13-316	amended	Ch. 275	SB 453
	repealed	Ch. 366	HB 115
37-14-323	repealed	Ch. 366	HB 115
37-15-102	amended	Ch. 483	SB 456
37-15-103	amended	Ch. 483	SB 456
37-15-202	amended	Ch. 349	SB 214
37-15-303	amended	Ch. 457	SB 300
37-15-314	amended	Ch. 349	SB 214
37-15-322	repealed	Ch. 366	HB 115
37-15-323	repealed	Ch. 366	HB 115
37-15-401	enacted	Ch. 349	SB 214
37-15-402	enacted	Ch. 349	SB 214
37-16-102	amended	Ch. 483	SB 456
37-16-103	amended	Ch. 483	SB 456
37-16-201	repealed	Ch. 483	SB 456
37-16-202	amended	Ch. 483	SB 456
37-16-203	repealed	Ch. 483	SB 456
37-16-301	amended	Ch. 483	SB 456
37-16-303	amended	Ch. 483	SB 456
37-16-304	repealed	Ch. 483	SB 456
37-16-402	amended	Ch. 483	SB 456
37-16-405	repealed	Ch. 483	SB 456
37-16-406	repealed	Ch. 483	SB 456
37-16-408	amended	Ch. 483	SB 456
37-16-411	amended	Ch. 483	SB 456
37-16-413	repealed	Ch. 366	HB 115
	repealed	Ch. 483	SB 456
37-17-104	amended	Ch. 713	HB 137
37-17-312	repealed	Ch. 366	HB 115
37-17-313	repealed	Ch. 366	HB 115
37-18-104	amended	Ch. 759	SB 561
37-18-501	repealed	Ch. 366	HB 115
37-18-502	repealed	Ch. 366	HB 115
37-18-703	repealed	Ch. 366	HB 115
37-18-801	enacted	Ch. 759	SB 561
37-18-802	enacted	Ch. 759	SB 561
37-18-803	enacted	Ch. 759	SB 561
37-18-804	enacted	Ch. 759	SB 561
37-18-805	enacted	Ch. 759	SB 561
37-18-806	enacted	Ch. 759	SB 561
37-18-807	enacted	Ch. 759	SB 561
37-19-302	amended	Ch. 355	SB 244
37-19-304	amended	Ch. 355	SB 244
37-19-501	repealed	Ch. 366	HB 115
37-19-831	repealed	Ch. 366	HB 115
37-20-101	repealed	Ch. 88	HB 313
37-20-104	amended	Ch. 88	HB 313
	repealed	Ch. 366	HB 115

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37-20-203	amended	Ch. 88	HB 313
37-20-301	amended	Ch. 88	HB 313
37-20-401	amended	Ch. 88	HB 313
37-20-403	amended	Ch. 88	HB 313
37-20-404	amended	Ch. 88	HB 313
37-20-405	amended	Ch. 88	HB 313
37-20-410	amended	Ch. 88	HB 313
37-20-411	amended	Ch. 88	HB 313
37-22-101	repealed	Ch. 713	HB 137
37-22-102	repealed	Ch. 713	HB 137
37-22-103	repealed	Ch. 713	HB 137
37-22-201	repealed	Ch. 713	HB 137
37-22-301	repealed	Ch. 713	HB 137
37-22-302	repealed	Ch. 713	HB 137
37-22-305	repealed	Ch. 713	HB 137
37-22-307	repealed	Ch. 713	HB 137
	amended (void — sec. 3, Ch. 726)	Ch. 726	HB 499
37-22-308	repealed	Ch. 713	HB 137
	amended (void — sec. 3, Ch. 726)	Ch. 726	HB 499
37-22-313	repealed	Ch. 713	HB 137
37-22-401	repealed	Ch. 713	HB 137
37-22-411	repealed	Ch. 713	HB 137
37-22-412	repealed	Ch. 713	HB 137
37-23-101	repealed	Ch. 713	HB 137
37-23-102	repealed	Ch. 713	HB 137
37-23-104	enacted	Ch. 218	HB 777
37-23-201	repealed	Ch. 713	HB 137
37-23-202	repealed	Ch. 713	HB 137
37-23-203	repealed	Ch. 713	HB 137
37-23-206	repealed	Ch. 713	HB 137
37-23-213	repealed	Ch. 713	HB 137
37-23-301	repealed	Ch. 713	HB 137
37-23-311	repealed	Ch. 713	HB 137
37-23-312	repealed	Ch. 713	HB 137
37-24-311	repealed	Ch. 366	HB 115
37-24-312	enacted	Ch. 403	SB 155
37-24-401	enacted	Ch. 403	SB 155
37-26-103	amended	Ch. 236	SB 100
37-26-201	amended	Ch. 236	SB 100
37-26-301	amended	Ch. 236	SB 100
	amended	Ch. 237	SB 101
37-26-414	repealed	Ch. 366	HB 115
37-27-105	amended	Ch. 291	HB 655
37-27-302	amended	Ch. 262	HB 392
37-27-325	repealed	Ch. 366	HB 115
37-28-302	repealed	Ch. 366	HB 115
37-29-411	repealed	Ch. 366	HB 115
37-29-412	repealed	Ch. 366	HB 115
37-31-101	amended	Ch. 166	HB 109
	amended	Ch. 192	HB 353
37-31-102	amended	Ch. 192	HB 353
	amended	Ch. 338	SB 166
37-31-334	repealed	Ch. 366	HB 115
37-33-501	amended	Ch. 366	HB 115

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37-33-504	repealed	Ch. 366	HB 115
37-34-307	repealed	Ch. 366	HB 115
37-35-101	repealed	Ch. 713	HB 137
37-35-102	repealed	Ch. 713	HB 137
37-35-103	repealed	Ch. 713	HB 137
37-35-201	repealed	Ch. 713	HB 137
37-35-202	repealed	Ch. 713	HB 137
	amended	Ch. 756	SB 425
37-35-204	repealed	Ch. 366	HB 115
	repealed	Ch. 713	HB 137
37-36-205	repealed	Ch. 366	HB 115
37-37-101	repealed	Ch. 713	HB 137
37-37-102	repealed	Ch. 713	HB 137
37-37-201	repealed	Ch. 713	HB 137
37-37-202	repealed	Ch. 713	HB 137
37-37-205	repealed	Ch. 713	HB 137
37-37-301	repealed	Ch. 713	HB 137
37-37-302	repealed	Ch. 713	HB 137
37-38-101	repealed	Ch. 713	HB 137
37-38-102	repealed	Ch. 713	HB 137
37-38-106	repealed	Ch. 713	HB 137
37-38-201	repealed	Ch. 713	HB 137
37-38-202	repealed	Ch. 713	HB 137
37-39-101	enacted	Ch. 713	HB 137
37-39-102	enacted	Ch. 713	HB 137
37-39-103	enacted	Ch. 713	HB 137
37-39-201	enacted	Ch. 713	HB 137
37-39-202	enacted	Ch. 713	HB 137
37-39-203	enacted (replaced — sec. 34, Ch. 713)	Ch. 590	HB 101
37-39-301	enacted	Ch. 713	HB 137
37-39-302	enacted	Ch. 713	HB 137
37-39-303	enacted	Ch. 713	HB 137
37-39-307	enacted	Ch. 713	HB 137
37-39-308	enacted (amended — sec. 3, Ch. 726)	Ch. 713	HB 137
37-39-309	enacted	Ch. 713	HB 137
37-39-310	enacted (amended — sec. 2, Ch. 756)	Ch. 713	HB 137
37-39-311	enacted	Ch. 713	HB 137
37-39-312	enacted	Ch. 713	HB 137
37-40-101	amended	Ch. 484	SB 457
37-40-201	repealed	Ch. 484	SB 457
37-40-202	repealed	Ch. 484	SB 457
37-40-203	amended	Ch. 484	SB 457
37-40-302	amended	Ch. 484	SB 457
37-40-312	repealed	Ch. 366	HB 115
	amended	Ch. 484	SB 457
37-43-201	amended	Ch. 603	HB 314
37-47-303	amended	Ch. 507	HB 521
37-47-304	amended	Ch. 507	HB 521
37-47-344	repealed	Ch. 366	HB 115
37-50-210	repealed	Ch. 183	HB 292
37-50-342	repealed	Ch. 366	HB 115
37-50-401	repealed	Ch. 366	HB 115
37-51-102	amended	Ch. 375	HB 296
	amended	Ch. 482	SB 455
37-51-103	amended	Ch. 250	HB 247
	amended	Ch. 482	SB 455

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37-51-204	amended	Ch. 482	SB 455
37-51-313	amended	Ch. 482	SB 455
37-51-321	amended	Ch. 250	HB 247
	amended	Ch. 381	HB 443
	amended	Ch. 482	SB 455
37-51-323	repealed	Ch. 366	HB 115
37-51-324	amended	Ch. 482	SB 455
37-51-325	amended	Ch. 220	HB 615
37-51-601	repealed	Ch. 482	SB 455
37-51-602	repealed	Ch. 482	SB 455
	amended	Ch. 609	HB 358
37-51-603	repealed	Ch. 482	SB 455
37-51-605	repealed	Ch. 482	SB 455
37-51-607	repealed	Ch. 482	SB 455
37-51-608	repealed	Ch. 366	HB 115
	repealed	Ch. 482	SB 455
37-53-101	repealed	Ch. 482	SB 455
37-53-102	repealed	Ch. 482	SB 455
37-53-104	repealed	Ch. 482	SB 455
37-53-201	repealed	Ch. 482	SB 455
37-53-202	repealed	Ch. 482	SB 455
37-53-203	repealed	Ch. 482	SB 455
37-53-204	repealed	Ch. 482	SB 455
37-53-205	repealed	Ch. 482	SB 455
37-53-213	repealed	Ch. 482	SB 455
37-53-301	repealed	Ch. 482	SB 455
37-53-302	repealed	Ch. 482	SB 455
37-53-303	repealed	Ch. 482	SB 455
37-53-304	repealed	Ch. 482	SB 455
37-53-305	repealed	Ch. 482	SB 455
37-53-306	repealed	Ch. 482	SB 455
37-53-307	repealed	Ch. 366	HB 115
	repealed	Ch. 482	SB 455
37-53-308	repealed	Ch. 482	SB 455
37-53-506	repealed	Ch. 366	HB 115
	repealed	Ch. 482	SB 455
37-56-101	enacted	Ch. 482	SB 455
37-56-102	enacted	Ch. 482	SB 455
37-56-103	enacted	Ch. 482	SB 455
37-56-104	enacted (replaced — sec. 2, Ch. 609)	Ch. 482	SB 455
37-56-105	enacted	Ch. 482	SB 455
37-56-106	enacted	Ch. 482	SB 455
37-56-107	enacted	Ch. 482	SB 455
37-56-108	enacted	Ch. 482	SB 455
37-60-101	amended	Ch. 481	SB 454
37-60-103	amended	Ch. 481	SB 454
37-60-104	amended	Ch. 481	SB 454
37-60-105	amended	Ch. 481	SB 454
37-60-201	repealed	Ch. 481	SB 454
37-60-202	amended	Ch. 481	SB 454
37-60-211	repealed	Ch. 481	SB 454
37-60-301	amended	Ch. 366	HB 115
	amended	Ch. 481	SB 454
37-60-302	repealed	Ch. 481	SB 454
37-60-303	amended	Ch. 481	SB 454
37-60-304	amended	Ch. 481	SB 454

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37-60-309	repealed	Ch. 481	SB 454
37-60-314	amended	Ch. 481	SB 454
37-60-320	amended	Ch. 481	SB 454
37-60-403	amended	Ch. 481	SB 454
37-60-404	amended	Ch. 481	SB 454
37-60-405	amended	Ch. 481	SB 454
37-60-407	amended	Ch. 481	SB 454
37-60-411	repealed	Ch. 366	HB 115
	amended	Ch. 481	SB 454
37-65-322	repealed	Ch. 366	HB 115
37-65-323	repealed	Ch. 366	HB 115
37-66-322	repealed	Ch. 366	HB 115
37-67-332	repealed	Ch. 366	HB 115
37-68-316	amended	Ch. 366	HB 115
37-68-322	repealed	Ch. 366	HB 115
37-69-310	amended	Ch. 366	HB 115
37-69-324	repealed	Ch. 366	HB 115
37-69-402	amended	Ch. 366	HB 115
37-72-101	amended	Ch. 366	HB 115
37-72-102	repealed	Ch. 366	HB 115
37-73-226	amended	Ch. 366	HB 115
37-73-227	repealed	Ch. 366	HB 115
39-1-102	amended	Ch. 393	HB 691
39-2-221	enacted	Ch. 516	HB 590
39-2-307	amended	Ch. 361	SB 270
39-2-904	amended	Ch. 361	SB 270
39-2-912	amended	Ch. 685	SB 458
39-3-406	amended	Ch. 477	SB 444
39-9-301	amended	Ch. 505	HB 490
39-11-205	amended	Ch. 636	HB 881
39-11-404	amended	Ch. 391	HB 601
39-29-101	amended	Ch. 303	HB 545
39-51-204	amended	Ch. 393	HB 691
39-51-2204	amended	Ch. 731	HB 652
39-51-3202	amended	Ch. 70	HB 142
39-71-118	amended	Ch. 264	HB 427
39-71-401	amended	Ch. 293	HB 636
39-71-407	amended	Ch. 84	HB 178
39-71-417	amended	Ch. 224	SB 22
39-71-419	amended	Ch. 505	HB 490
39-71-507	amended	Ch. 505	HB 490
39-71-1401	amended	Ch. 442	SB 310
40-1-107	amended	Ch. 685	SB 458
40-1-401	amended	Ch. 685	SB 458
40-4-204	amended	Ch. 506	HB 500
40-4-219	amended	Ch. 167	HB 112
	amended	Ch. 465	SB 345
40-4-235	enacted	Ch. 286	HB 684
40-5-303	amended	Ch. 506	HB 500
40-5-601	amended	Ch. 506	HB 500
40-5-701	amended	Ch. 506	HB 500
	amended	Ch. 507	HB 521
40-5-907	amended	Ch. 685	SB 458
40-5-1031	amended	Ch. 685	SB 458

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40-6-402	amended	Ch. 170	HB 200
	amended	Ch. 602	HB 312
40-6-405	amended	Ch. 170	HB 200
	amended	Ch. 716	HB 317
40-6-407	amended	Ch. 716	HB 317
40-6-413	amended	Ch. 716	HB 317
40-6-414	amended	Ch. 716	HB 317
40-6-701	amended	Ch. 527	HB 676
40-6-702	enacted	Ch. 527	HB 676
40-6-703	enacted	Ch. 693	SB 518
40-6-707	enacted	Ch. 527	HB 676
40-6-708	enacted	Ch. 693	SB 518
40-6-1001	amended	Ch. 716	HB 317
40-7-135	amended	Ch. 716	HB 317
40-15-110	amended	Ch. 62	HB 83
41-1-402	amended	Ch. 527	HB 676
41-1-403	amended	Ch. 527	HB 676
41-1-405	amended	Ch. 527	HB 676
41-1-406	repealed	Ch. 527	HB 676
41-1-407	amended	Ch. 527	HB 676
41-3-101	amended	Ch. 174	HB 227
	amended	Ch. 674	SB 328
41-3-102	amended	Ch. 167	HB 112
	amended	Ch. 195	HB 399
	amended	Ch. 324	SB 115
	amended	Ch. 716	HB 317
41-3-103	amended	Ch. 716	HB 317
	amended	Ch. 779	SB 184
41-3-109	amended	Ch. 716	HB 317
41-3-127	amended	Ch. 713	HB 137
41-3-128	amended	Ch. 384	HB 513
	amended	Ch. 716	HB 317
41-3-131(2)	enacted	Ch. 657	SB 151
41-3-132	enacted	Ch. 334	SB 163
41-3-135	enacted	Ch. 286	HB 684
41-3-201	amended	Ch. 382	HB 461
41-3-202	amended	Ch. 195	HB 399
41-3-203	amended	Ch. 656	SB 149
41-3-205	amended	Ch. 651	SB 116
	amended	Ch. 716	HB 317
41-3-207	amended	Ch. 656	SB 149
41-3-210	amended	Ch. 195	HB 399
41-3-211	enacted	Ch. 195	HB 399
41-3-212	enacted	Ch. 382	HB 461
41-3-215	enacted	Ch. 382	HB 461
41-3-216	enacted	Ch. 783	SB 181
41-3-301	amended	Ch. 323	SB 113
	amended	Ch. 711	HB 16
41-3-306	amended	Ch. 711	HB 16
	amended	Ch. 716	HB 317
41-3-307	amended	Ch. 711	HB 16
	amended	Ch. 716	HB 317
41-3-422	amended	Ch. 333	SB 162
	amended	Ch. 716	HB 317

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41-3-423	amended	Ch. 674	SB 328
	amended	Ch. 716	HB 317
41-3-425	amended	Ch. 295	HB 603
	amended	Ch. 655	SB 148
	amended	Ch. 716	HB 317
41-3-427	amended	Ch. 384	HB 513
	amended	Ch. 711	HB 16
	amended	Ch. 716	HB 317
41-3-431	enacted	Ch. 615	HB 385
41-3-432	amended	Ch. 716	HB 317
41-3-434	amended	Ch. 779	SB 184
41-3-437	amended	Ch. 716	HB 317
41-3-438	amended	Ch. 674	SB 328
41-3-439	repealed	Ch. 674	SB 328
41-3-440	amended	Ch. 674	SB 328
41-3-443	amended	Ch. 429	SB 150
41-3-444	amended	Ch. 674	SB 328
	amended	Ch. 716	HB 317
41-3-445	amended	Ch. 674	SB 328
41-3-446	amended	Ch. 174	HB 227
41-3-450	enacted	Ch. 674	SB 328
41-3-451	enacted	Ch. 674	SB 328
41-3-601	repealed	Ch. 295	HB 603
41-3-602	amended	Ch. 295	HB 603
41-3-609	amended	Ch. 716	HB 317
41-3-613	enacted	Ch. 208	HB 560
41-3-615	enacted	Ch. 295	HB 603
41-3-1214	amended	Ch. 651	SB 116
41-3-1301	enacted	Ch. 716	HB 317
41-3-1302	enacted	Ch. 716	HB 317
41-3-1303	enacted	Ch. 716	HB 317
41-3-1306	enacted	Ch. 716	HB 317
41-3-1307	enacted	Ch. 716	HB 317
41-3-1310	enacted	Ch. 716	HB 317
41-3-1311	enacted	Ch. 716	HB 317
41-3-1312	enacted	Ch. 716	HB 317
41-3-1316	enacted	Ch. 716	HB 317
41-3-1317	enacted	Ch. 716	HB 317
41-3-1318	enacted	Ch. 716	HB 317
41-3-1319	enacted	Ch. 716	HB 317
41-3-1320	enacted	Ch. 716	HB 317
41-3-1325	enacted	Ch. 716	HB 317
41-3-1326	enacted	Ch. 716	HB 317
41-3-1327	enacted	Ch. 716	HB 317
41-3-1328	enacted	Ch. 716	HB 317
41-3-1329	enacted	Ch. 716	HB 317
41-5-103	amended	Ch. 199	HB 425
	amended	Ch. 506	HB 500
	amended	Ch. 685	SB 458
41-5-112	repealed	Ch. 506	HB 500
41-5-114	enacted	Ch. 506	HB 500
41-5-132	amended	Ch. 506	HB 500
41-5-205	amended	Ch. 199	HB 425
41-5-216	amended	Ch. 551	HB 886

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41-5-1304	amended	Ch. 506	HB 500
41-5-1412	amended	Ch. 506	HB 500
41-5-1417	enacted	Ch. 633	HB 742
41-5-1501	amended	Ch. 506	HB 500
41-5-1503	amended	Ch. 506	HB 500
41-5-1511	amended	Ch. 506	HB 500
41-5-1512	amended	Ch. 506	HB 500
41-5-1513	amended	Ch. 506	HB 500
41-5-1521	amended	Ch. 199	HB 425
41-5-1525	repealed	Ch. 506	HB 500
41-5-1703	amended	Ch. 506	HB 500
42-1-115	enacted	Ch. 286	HB 684
42-2-102	amended	Ch. 716	HB 317
42-2-204	amended	Ch. 685	SB 458
42-2-604	amended	Ch. 716	HB 317
42-3-204	amended	Ch. 12	SB 34
42-4-102	amended	Ch. 716	HB 317
42-4-103	amended	Ch. 716	HB 317
42-4-203	amended	Ch. 716	HB 317
42-4-209	amended	Ch. 716	HB 317
42-5-101	amended	Ch. 716	HB 317
42-5-107	amended	Ch. 716	HB 317
44-1-111	enacted	Ch. 337	SB 164
44-1-613	enacted	Ch. 504	HB 491
44-2-411	amended	Ch. 624	HB 163
44-2-416	enacted	Ch. 160	HB 18
44-2-417	enacted	Ch. 160	HB 18
44-4-402	amended	Ch. 684	SB 443
44-4-403	amended	Ch. 544	HB 802
44-4-404	amended	Ch. 9	HB 77
	amended	Ch. 10	HB 78
44-4-408	enacted	Ch. 531	HB 697
44-4-1505	enacted	Ch. 758	SB 522
44-4-1506	enacted	Ch. 758	SB 522
44-4-1607	amended	Ch. 48	HB 251
44-4-1701	enacted	Ch. 165	HB 79
44-4-1702	enacted	Ch. 165	HB 79
44-4-1703	enacted	Ch. 165	HB 79
44-4-1704	enacted	Ch. 165	HB 79
44-4-1705	enacted	Ch. 165	HB 79
44-5-302	amended	Ch. 398	HB 800
44-5-311	amended	Ch. 167	HB 112
44-7-110	amended	Ch. 720	HB 362
44-7-125	enacted	Ch. 641	SB 11
44-7-126	enacted	Ch. 641	SB 11
44-7-401	enacted	Ch. 62	HB 83
44-7-403	enacted	Ch. 62	HB 83
44-7-404	enacted	Ch. 62	HB 83
44-7-405	enacted	Ch. 62	HB 83
44-7-410	enacted	Ch. 62	HB 83
44-10-204	amended	Ch. 531	HB 697
44-15-101	enacted	Ch. 781	SB 397
44-15-102	enacted	Ch. 781	SB 397
44-15-103	enacted	Ch. 781	SB 397

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44-15-104	enacted	Ch. 781	SB 397
44-15-105	enacted	Ch. 781	SB 397
44-15-106	enacted	Ch. 781	SB 397
44-15-107	enacted	Ch. 781	SB 397
44-15-108	enacted	Ch. 781	SB 397
44-15-109	enacted	Ch. 781	SB 397
44-15-110	enacted	Ch. 781	SB 397
44-15-111	enacted	Ch. 781	SB 397
44-15-112	enacted	Ch. 781	SB 397
45-1-205	amended	Ch. 167	HB 112
45-2-101	amended	Ch. 465	SB 345
45-2-211	amended	Ch. 167	HB 112
45-3-116	enacted	Ch. 241	HB 63
45-5-201	amended	Ch. 268	HB 457
45-5-220	amended	Ch. 444	SB 321
45-5-231	amended	Ch. 713	HB 137
45-5-501	amended	Ch. 713	HB 137
45-5-502	amended	Ch. 205	HB 525
45-5-507	amended	Ch. 536	HB 743
45-5-601	amended	Ch. 167	HB 112
	amended	Ch. 713	HB 137
45-5-602	repealed	Ch. 167	HB 112
45-5-603	repealed	Ch. 167	HB 112
45-5-604	repealed	Ch. 167	HB 112
45-5-622(1)(b)	enacted	Ch. 408	SB 339
45-5-623	amended	Ch. 746	HB 948
45-5-624	amended	Ch. 131	HB 102
45-5-625	amended	Ch. 685	SB 458
45-5-701	amended	Ch. 167	HB 112
45-5-702	amended (replaced — sec. 5, Ch. 666)	Ch. 167	HB 112
	amended	Ch. 666	SB 265
45-5-703	amended (replaced — sec. 7, Ch. 666)	Ch. 167	HB 112
	amended	Ch. 666	SB 265
45-5-704	repealed	Ch. 167	HB 112
	amended	Ch. 666	SB 265
45-5-705	amended (replaced — sec. 8, Ch. 666)	Ch. 167	HB 112
	amended	Ch. 666	SB 265
45-5-706	amended (replaced — sec. 9, Ch. 666)	Ch. 167	HB 112
45-5-707	amended	Ch. 167	HB 112
45-5-708	amended	Ch. 167	HB 112
45-5-709	amended	Ch. 167	HB 112
	amended	Ch. 713	HB 137
45-5-710	amended	Ch. 167	HB 112
45-5-711	enacted (replaced — sec. 6, Ch. 666)	Ch. 167	HB 112
45-5-712	enacted	Ch. 167	HB 112
45-6-301	amended	Ch. 70	HB 142
	amended	Ch. 162	HB 38
45-6-310	amended	Ch. 247	HB 161
45-6-311	amended	Ch. 247	HB 161
45-6-321	enacted	Ch. 372	HB 255
45-6-333	amended	Ch. 12	SB 34
45-7-203	amended (void — sec. 4, Ch. 656)	Ch. 382	HB 461
	amended	Ch. 656	SB 149
45-8-101	amended	Ch. 767	SB 19

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45-8-117	enacted	Ch. 719	HB 359
45-8-118	enacted	Ch. 719	HB 359
45-8-201	amended	Ch. 449	HB 234
45-8-205	amended	Ch. 449	HB 234
45-8-206	amended	Ch. 449	HB 234
45-8-312	enacted	Ch. 526	HB 674
45-8-321	amended	Ch. 474	SB 400
45-8-322	amended	Ch. 290	HB 659
45-8-328	amended	Ch. 526	HB 674
45-8-329	amended	Ch. 104	HB 266
45-8-330	amended	Ch. 526	HB 674
45-8-338	amended	Ch. 481	SB 454
45-8-356	amended	Ch. 526	HB 674
45-8-405	amended	Ch. 167	HB 112
45-9-101	amended	Ch. 543	HB 791
45-9-103	amended	Ch. 543	HB 791
45-9-105	amended	Ch. 746	HB 948
45-10-103	amended	Ch. 723	HB 437
46-1-202	amended	Ch. 649	SB 96
46-1-1103	amended	Ch. 641	SB 11
46-4-123	amended	Ch. 405	SB 284
46-4-201	amended	Ch. 315	SB 68
46-4-205	amended	Ch. 532	HB 705
46-4-501	enacted	Ch. 416	SB 464
46-4-502	enacted	Ch. 416	SB 464
46-6-507	amended	Ch. 469	SB 363
46-6-508	enacted	Ch. 592	HB 62
46-9-108	amended	Ch. 542	HB 790
46-9-109	amended	Ch. 288	HB 661
46-9-401	amended	Ch. 592	HB 62
46-9-510	amended	Ch. 592	HB 62
46-13-108	amended	Ch. 649	SB 96
46-14-304	amended	Ch. 639	SB 6
46-15-405	amended	Ch. 165	HB 79
46-15-413	enacted	Ch. 292	HB 640
46-16-222	amended	Ch. 12	SB 34
46-16-226	amended	Ch. 167	HB 112
46-18-104	amended	Ch. 167	HB 112
46-18-111	amended	Ch. 167	HB 112
46-18-201	amended	Ch. 167	HB 112
	amended	Ch. 509	HB 541
46-18-203	amended	Ch. 167	HB 112
	amended	Ch. 530	HB 689
46-18-205	amended	Ch. 167	HB 112
	amended	Ch. 205	HB 525
46-18-207	amended	Ch. 167	HB 112
46-18-219	amended	Ch. 167	HB 112
46-18-222	amended	Ch. 167	HB 112
	amended	Ch. 543	HB 791
46-18-231	amended	Ch. 167	HB 112
	amended	Ch. 205	HB 525
	amended	Ch. 509	HB 541
46-18-241	amended	Ch. 509	HB 541
46-18-248	amended	Ch. 199	HB 425

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46-18-251	amended	Ch. 509	HB 541
46-18-502	amended	Ch. 649	SB 96
46-18-608	amended	Ch. 167	HB 112
46-19-301	amended	Ch. 685	SB 458
46-19-401	amended	Ch. 685	SB 458
46-23-201	amended	Ch. 200	HB 426
46-23-502	amended (replaced — sec. 7, Ch. 643)	Ch. 167	HB 112
	amended (void — sec. 8, Ch. 643)	Ch. 205	HB 525
	amended (void — sec. 9, Ch. 643)	Ch. 465	SB 345
	amended	Ch. 643	SB 38
46-23-504	amended	Ch. 643	SB 38
46-23-505	amended	Ch. 643	SB 38
46-23-506	amended	Ch. 643	SB 38
46-23-508	amended	Ch. 643	SB 38
46-23-509	amended	Ch. 643	SB 38
46-23-1011	amended	Ch. 167	HB 112
46-23-1016	amended	Ch. 166	HB 109
46-23-1041	amended	Ch. 648	SB 94
46-32-105	amended	Ch. 685	SB 458
47-1-104	amended (replaced — sec. 53, Ch. 716)	Ch. 25	HB 111
	amended	Ch. 716	HB 317
47-1-105	amended	Ch. 207	HB 555
47-1-121	amended	Ch. 207	HB 555
49-1-102	amended	Ch. 685	SB 458
49-1-208	enacted	Ch. 523	HB 631
49-1-209	enacted	Ch. 523	HB 631
49-1-210	enacted	Ch. 523	HB 631
49-2-101	amended	Ch. 685	SB 458
49-2-307	amended	Ch. 256	HB 361
49-3-101	amended	Ch. 685	SB 458
49-4-211	amended	Ch. 163	HB 52
50-1-101	amended	Ch. 369	HB 215
50-1-119	enacted	Ch. 739	HB 872
50-1-207	enacted	Ch. 279	HB 751
50-2-116	amended	Ch. 166	HB 109
50-2-118	amended	Ch. 166	HB 109
50-4-107	amended	Ch. 701	SB 550
50-4-1001	enacted	Ch. 306	SB 99
50-4-1002	enacted	Ch. 306	SB 99
50-4-1003	enacted	Ch. 306	SB 99
50-4-1004	enacted	Ch. 306	SB 99
50-4-1005	enacted	Ch. 306	SB 99
50-4-1006	enacted	Ch. 306	SB 99
50-4-1101	enacted	Ch. 376	HB 303
50-4-1102	enacted	Ch. 376	HB 303
50-4-1103	enacted	Ch. 376	HB 303
50-4-1104	enacted	Ch. 376	HB 303
50-4-1105	enacted	Ch. 376	HB 303
50-4-1106	enacted	Ch. 376	HB 303
50-4-1107	enacted	Ch. 376	HB 303
50-5-101	amended	Ch. 131	HB 102
	amended	Ch. 492	HB 937
	amended	Ch. 602	HB 312
50-5-103	amended	Ch. 131	HB 102

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50-5-105	amended	Ch. 685	SB 458
50-5-106	amended	Ch. 364	HB 45
50-5-110	enacted	Ch. 614	HB 376
50-5-112	amended	Ch. 364	HB 45
50-5-121	amended	Ch. 364	HB 45
50-5-234	enacted	Ch. 602	HB 312
50-5-245	amended	Ch. 364	HB 45
50-5-247	amended	Ch. 131	HB 102
50-5-602	amended	Ch. 685	SB 458
50-5-701	amended	Ch. 602	HB 312
50-5-1104	amended	Ch. 12	SB 34
50-5-1301	amended	Ch. 88	HB 313
	amended	Ch. 602	HB 312
50-5-1401	enacted	Ch. 406	SB 308
50-5-1402	enacted	Ch. 406	SB 308
50-5-1403	enacted	Ch. 406	SB 308
50-5-1404	enacted	Ch. 406	SB 308
50-6-105	amended	Ch. 294	HB 610
50-6-201	amended	Ch. 294	HB 610
50-6-202	amended	Ch. 294	HB 610
50-6-210	enacted	Ch. 294	HB 610
50-6-302	amended	Ch. 294	HB 610
50-6-404	amended	Ch. 131	HB 102
50-11-101	amended	Ch. 685	SB 458
50-12-102	amended	Ch. 88	HB 313
	amended	Ch. 413	SB 422
50-12-103	amended	Ch. 413	SB 422
50-12-104	amended	Ch. 413	SB 422
50-12-105	amended	Ch. 413	SB 422
50-12-106	amended	Ch. 413	SB 422
50-12-107	amended	Ch. 413	SB 422
50-12-108	amended	Ch. 413	SB 422
50-12-109	amended	Ch. 413	SB 422
50-12-110	amended	Ch. 413	SB 422
50-15-101	amended	Ch. 172	HB 213
	amended	Ch. 685	SB 458
50-15-209	enacted	Ch. 172	HB 213
50-16-103	amended	Ch. 602	HB 312
50-16-805	amended	Ch. 516	HB 590
50-17-102	amended	Ch. 602	HB 312
50-19-103	amended	Ch. 685	SB 458
50-19-203	amended	Ch. 287	HB 682
50-19-205	amended	Ch. 166	HB 109
50-19-206	enacted	Ch. 287	HB 682
50-19-403	amended	Ch. 88	HB 313
50-20-104	amended	Ch. 389	HB 575
50-20-105	amended	Ch. 278	HB 786
50-20-109	amended	Ch. 88	HB 313
	amended	Ch. 389	HB 575
50-20-110	amended	Ch. 278	HB 786
50-20-111	amended	Ch. 376	HB 303
50-20-709	amended	Ch. 166	HB 109
50-20-801	enacted	Ch. 392	HB 625
50-20-802	enacted	Ch. 392	HB 625

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50-20-803	enacted	Ch. 392	HB 625
50-20-804	enacted	Ch. 392	HB 625
50-20-805	enacted	Ch. 392	HB 625
50-20-806	enacted	Ch. 392	HB 625
50-20-807	enacted	Ch. 392	HB 625
50-20-808	enacted	Ch. 392	HB 625
50-20-901	enacted	Ch. 492	HB 937
50-20-902	enacted	Ch. 492	HB 937
50-20-903	enacted	Ch. 492	HB 937
50-20-904	enacted	Ch. 492	HB 937
50-20-1001	enacted	Ch. 490	HB 721
50-20-1002	enacted	Ch. 490	HB 721
50-20-1003	enacted	Ch. 490	HB 721
50-20-1004	enacted	Ch. 490	HB 721
50-20-1005	enacted	Ch. 490	HB 721
50-20-1006	enacted	Ch. 490	HB 721
50-20-1007	enacted	Ch. 490	HB 721
50-32-222	amended	Ch. 150	SB 67
	amended	Ch. 746	HB 948
50-32-224	amended	Ch. 150	SB 67
50-32-226	amended	Ch. 150	SB 67
50-32-229	amended	Ch. 150	SB 67
50-32-232	amended	Ch. 150	SB 67
50-32-401	amended	Ch. 759	SB 561
50-49-202	amended	Ch. 347	SB 202
50-49-203	amended	Ch. 347	SB 202
50-50-102	amended	Ch. 347	SB 202
50-50-103	amended	Ch. 347	SB 202
50-50-121	amended	Ch. 347	SB 202
50-60-106	amended	Ch. 269	HB 465
50-60-203	amended	Ch. 435	SB 208
	amended	Ch. 560	HB 433
	amended	Ch. 578	HB 241
	amended	Ch. 660	SB 195
50-60-214	amended	Ch. 685	SB 458
50-60-301	amended	Ch. 411	SB 406
50-60-302	amended	Ch. 269	HB 465
52-1-103	amended	Ch. 12	SB 34
	amended	Ch. 17	SB 45
52-2-110	enacted	Ch. 207	HB 555
52-2-117	amended	Ch. 716	HB 317
52-2-211	amended	Ch. 348	SB 213
52-2-310	amended	Ch. 159	HB 116
52-2-611	amended	Ch. 5	HB 39
52-2-713	amended	Ch. 773	HB 648
52-2-714	enacted	Ch. 773	HB 648
52-2-715	enacted	Ch. 773	HB 648
52-2-716	enacted	Ch. 773	HB 648
52-2-721	amended	Ch. 189	HB 336
	amended	Ch. 511	HB 556
52-2-805	amended	Ch. 498	HB 218
52-2-810	amended	Ch. 498	HB 218
52-2-901	amended	Ch. 521	HB 619
52-2-902	enacted	Ch. 521	HB 619

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52-2-903	enacted	Ch. 521	HB 619
52-2-904	enacted	Ch. 521	HB 619
52-3-115	amended	Ch. 141	SB 36
52-3-201	amended	Ch. 12	SB 34
52-3-202	amended	Ch. 12	SB 34
52-3-203	amended	Ch. 12	SB 34
52-3-204	amended	Ch. 12	SB 34
52-3-206	amended	Ch. 12	SB 34
52-3-207	amended	Ch. 12	SB 34
52-3-401	amended	Ch. 17	SB 45
52-3-402	amended	Ch. 17	SB 45
52-3-403	repealed	Ch. 17	SB 45
52-3-405	amended	Ch. 17	SB 45
52-3-410	amended	Ch. 17	SB 45
52-3-801	amended	Ch. 12	SB 34
52-3-802	amended	Ch. 12	SB 34
52-3-803	amended	Ch. 12	SB 34
52-3-804	amended	Ch. 12	SB 34
52-3-805	amended	Ch. 12	SB 34
52-3-811	amended	Ch. 12	SB 34
52-3-812	amended	Ch. 12	SB 34
52-3-813	amended	Ch. 12	SB 34
52-3-814	amended	Ch. 12	SB 34
52-3-815	amended	Ch. 12	SB 34
52-3-821	amended	Ch. 12	SB 34
52-3-825	amended	Ch. 12	SB 34
52-6-101	repealed 10/1/2024	Ch. 62	HB 83
52-6-102	repealed 10/1/2024	Ch. 62	HB 83
52-6-103	repealed 10/1/2024	Ch. 62	HB 83
52-6-104	repealed 10/1/2024	Ch. 62	HB 83
52-6-105	repealed 10/1/2024	Ch. 62	HB 83
53-1-110	enacted	Ch. 431	SB 171
53-1-201	amended	Ch. 213	HB 639
53-1-203	amended	Ch. 200	HB 426
53-1-216	amended	Ch. 641	SB 11
53-1-217	enacted	Ch. 641	SB 11
53-2-209	enacted	Ch. 554	HB 922
53-2-1215	amended	Ch. 54	HB 41
53-2-1216	amended	Ch. 54	HB 41
53-2-1218	amended	Ch. 54	HB 41
53-4-209	amended	Ch. 141	SB 36
53-4-1005	amended	Ch. 88	HB 313
	amended	Ch. 488	HB 544
53-6-101	amended	Ch. 291	HB 655
	amended	Ch. 628	HB 449
	amended	Ch. 713	HB 137
	amended	Ch. 782	SB 516
53-6-135	enacted	Ch. 306	SB 99
53-6-197	enacted	Ch. 488	HB 544
53-6-198	enacted	Ch. 586	HB 147
53-6-402	amended	Ch. 628	HB 449
53-6-406	amended	Ch. 59	HB 65
53-9-128	amended	Ch. 85	HB 183
53-19-304	amended	Ch. 603	HB 314

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53-20-142	amended	Ch. 685	SB 458
53-20-173	enacted	Ch. 748	HB 952
53-20-174	enacted	Ch. 748	HB 952
53-21-102	amended	Ch. 713	HB 137
53-21-107	amended	Ch. 776	SB 4
53-21-121	amended	Ch. 685	SB 458
53-21-126	amended	Ch. 757	SB 445
	amended	Ch. 777	HB 29
53-21-127	amended	Ch. 777	HB 29
53-21-142	amended	Ch. 685	SB 458
53-21-166	amended	Ch. 776	SB 4
53-21-169	amended	Ch. 776	SB 4
53-21-401	amended	Ch. 777	HB 29
53-21-402	amended	Ch. 777	HB 29
53-21-403	enacted	Ch. 777	HB 29
53-21-404	enacted	Ch. 777	HB 29
53-21-405	enacted	Ch. 777	HB 29
53-21-406	enacted	Ch. 777	HB 29
53-21-407	enacted	Ch. 777	HB 29
53-21-1101	amended	Ch. 405	SB 284
53-21-1111	amended	Ch. 181	HB 286
53-21-1202	amended	Ch. 713	HB 137
53-24-204	amended	Ch. 187	HB 311
53-24-218	enacted	Ch. 187	HB 311
53-24-310	enacted	Ch. 648	SB 94
53-24-311	enacted	Ch. 648	SB 94
53-24-312	enacted	Ch. 648	SB 94
53-24-313	enacted	Ch. 648	SB 94
53-24-314	enacted	Ch. 648	SB 94
53-30-153	amended	Ch. 11	SB 7
53-30-154	enacted	Ch. 766	HB 941
60-1-239	enacted	Ch. 146	SB 120
60-1-240	enacted	Ch. 147	SB 111
60-1-241	enacted	Ch. 459	SB 309
60-2-111	amended	Ch. 145	SB 57
60-2-112	amended	Ch. 145	SB 57
60-2-120	enacted	Ch. 145	SB 57
60-2-134	amended	Ch. 145	SB 57
60-2-225	repealed	Ch. 123	HB 76
60-2-244	amended	Ch. 456	SB 293
60-3-201	amended	Ch. 123	HB 76
60-4-501	amended	Ch. 694	SB 521
60-4-601	amended	Ch. 694	SB 521
60-5-110	amended	Ch. 351	SB 234
60-5-514	amended	Ch. 685	SB 458
60-5-522	amended	Ch. 685	SB 458
60-6-101	amended	Ch. 581	HB 198
60-6-103	amended	Ch. 581	HB 198
60-6-104	amended	Ch. 581	HB 198
60-6-106	enacted	Ch. 581	HB 198
61-3-201	amended	Ch. 522	HB 622
61-3-220	amended	Ch. 397	HB 750
61-3-226	amended	Ch. 320	SB 106
61-3-227	enacted	Ch. 397	HB 750

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61-3-301	amended	Ch. 464	SB 344
61-3-302	amended	Ch. 663	SB 221
61-3-303	amended	Ch. 663	SB 221
	amended	Ch. 782	SB 516
61-3-321	amended	Ch. 540	HB 764
61-3-344	enacted	Ch. 663	SB 221
61-3-346	amended	Ch. 365	HB 47
61-3-347	amended	Ch. 365	HB 47
61-3-431	amended	Ch. 89	HB 129
61-3-456	amended	Ch. 173	HB 224
61-3-458	amended	Ch. 303	HB 545
61-3-479	amended	Ch. 663	SB 221
61-3-562	amended	Ch. 562	HB 439
61-3-571	enacted	Ch. 164	HB 60
61-3-572	enacted	Ch. 164	HB 60
61-3-573	enacted	Ch. 562	HB 439
61-3-722	amended	Ch. 540	HB 764
61-4-201	amended	Ch. 362	SB 411
61-4-202	amended	Ch. 362	SB 411
61-4-208	amended	Ch. 362	SB 411
61-5-107	amended	Ch. 685	SB 458
	amended	Ch. 686	SB 487
61-5-110	amended	Ch. 646	SB 47
	amended	Ch. 686	SB 487
	amended (void — sec. 6, Ch. 744)	Ch. 744	HB 904
61-5-113	amended	Ch. 552	HB 902
61-5-116	amended	Ch. 304	HB 519
61-5-129	amended	Ch. 166	HB 109
61-5-151	enacted	Ch. 744	HB 904
61-5-201	amended	Ch. 686	SB 487
61-5-208	amended	Ch. 82	HB 92
	amended	Ch. 166	HB 109
	amended	Ch. 612	HB 365
61-5-310	enacted	Ch. 335	SB 396
61-8-301	amended	Ch. 567	HB 470
61-8-302	amended	Ch. 552	HB 902
61-8-303	amended	Ch. 161	HB 27
61-8-308	amended	Ch. 161	HB 27
61-8-309	amended	Ch. 480	SB 452
61-8-312	amended	Ch. 161	HB 27
61-8-314	amended	Ch. 219	HB 809
61-8-321	amended	Ch. 567	HB 470
61-8-326	amended	Ch. 161	HB 27
61-8-331	amended	Ch. 161	HB 27
61-8-346	amended	Ch. 109	HB 320
	amended	Ch. 161	HB 27
	amended	Ch. 258	HB 374
	repealed	Ch. 567	HB 470
61-8-351	amended	Ch. 613	HB 366
61-8-356	amended	Ch. 161	HB 27
61-8-370	amended	Ch. 196	HB 401
61-8-385	enacted	Ch. 567	HB 470
61-8-386	enacted	Ch. 567	HB 470
61-8-387	enacted	Ch. 567	HB 470

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61-8-388	enacted	Ch. 567	HB 470
61-8-389	enacted	Ch. 567	HB 470
61-8-390	enacted	Ch. 567	HB 470
61-8-715	amended	Ch. 258	HB 374
	amended	Ch. 552	HB 902
	amended	Ch. 567	HB 470
61-8-818	amended	Ch. 167	HB 112
61-8-1002	amended	Ch. 723	HB 437
61-8-1010	amended	Ch. 151	SB 13
61-8-1016	amended	Ch. 151	SB 13
61-8-1018	amended	Ch. 151	SB 13
61-8-1019	amended	Ch. 151	SB 13
61-8-1032	amended	Ch. 151	SB 13
61-9-402	amended	Ch. 567	HB 470
61-9-417	amended	Ch. 654	SB 144
61-9-431	amended	Ch. 567	HB 470
61-9-436	enacted	Ch. 528	HB 679
61-9-437	enacted	Ch. 539	HB 761
61-9-522	enacted	Ch. 539	HB 761
61-10-102	amended	Ch. 115	HB 26
61-10-147	amended	Ch. 115	HB 26
61-10-209	amended	Ch. 115	HB 26
61-10-213	amended	Ch. 115	HB 26
61-11-101	amended	Ch. 686	SB 487
61-11-105	amended	Ch. 365	HB 47
61-11-508	amended	Ch. 538	HB 754
	amended	Ch. 627	HB 397
61-11-510	amended	Ch. 627	HB 397
61-12-501	amended	Ch. 686	SB 487
61-12-504	amended	Ch. 686	SB 487
61-14-201	amended	Ch. 304	HB 519
61-14-202	amended	Ch. 646	SB 47
	amended (void — sec. 6, Ch. 744)	Ch. 744	HB 904
67-1-211	amended	Ch. 151	SB 13
67-10-904	amended	Ch. 74	SB 103
67-11-211	amended	Ch. 358	SB 263
69-1-104	amended	Ch. 272	SB 109
69-3-207	amended	Ch. 421	SB 32
69-3-332	enacted	Ch. 344	SB 178
69-3-702	amended	Ch. 535	HB 729
69-3-714	enacted	Ch. 535	HB 729
69-3-904	amended	Ch. 166	HB 109
69-8-201	amended	Ch. 251	HB 284
69-8-421	amended	Ch. 251	HB 284
69-8-803	amended	Ch. 619	HB 55
69-11-101	repealed	Ch. 163	HB 52
69-11-102	repealed	Ch. 163	HB 52
69-11-103	repealed	Ch. 163	HB 52
69-11-104	repealed	Ch. 163	HB 52
69-11-105	repealed	Ch. 163	HB 52
69-11-106	repealed	Ch. 163	HB 52
69-11-107	repealed	Ch. 163	HB 52
69-11-108	repealed	Ch. 163	HB 52
69-11-109	repealed	Ch. 163	HB 52

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69-11-121	repealed	Ch. 163	HB 52
69-11-201	repealed	Ch. 163	HB 52
69-11-202	repealed	Ch. 163	HB 52
69-11-203	repealed	Ch. 163	HB 52
69-11-204	repealed	Ch. 163	HB 52
69-11-205	repealed	Ch. 163	HB 52
69-11-206	repealed	Ch. 163	HB 52
69-11-207	repealed	Ch. 163	HB 52
69-11-208	repealed	Ch. 163	HB 52
69-11-209	repealed	Ch. 163	HB 52
69-11-301	repealed	Ch. 163	HB 52
69-11-302	repealed	Ch. 163	HB 52
69-11-303	repealed	Ch. 163	HB 52
69-11-304	repealed	Ch. 163	HB 52
69-11-401	repealed	Ch. 163	HB 52
69-11-402	repealed	Ch. 163	HB 52
69-11-403	repealed	Ch. 163	HB 52
69-11-404	repealed	Ch. 163	HB 52
69-11-405	repealed	Ch. 163	HB 52
69-11-406	repealed	Ch. 163	HB 52
69-11-407	repealed	Ch. 163	HB 52
69-11-408	repealed	Ch. 163	HB 52
69-11-409	repealed	Ch. 163	HB 52
69-11-410	repealed	Ch. 163	HB 52
69-11-411	repealed	Ch. 163	HB 52
69-11-412	repealed	Ch. 163	HB 52
69-11-421	repealed	Ch. 163	HB 52
69-11-422	repealed	Ch. 163	HB 52
69-11-423	repealed	Ch. 163	HB 52
69-11-424	repealed	Ch. 163	HB 52
69-11-425	repealed	Ch. 163	HB 52
69-11-426	repealed	Ch. 163	HB 52
69-11-427	repealed	Ch. 163	HB 52
69-11-428	repealed	Ch. 163	HB 52
69-11-429	repealed	Ch. 163	HB 52
69-12-101	amended	Ch. 422	SB 33
69-12-201	amended	Ch. 422	SB 33
69-12-205	amended	Ch. 422	SB 33
69-12-301	amended	Ch. 422	SB 33
69-12-302	repealed	Ch. 422	SB 33
69-12-313	repealed	Ch. 163	HB 52
	repealed	Ch. 422	SB 33
69-12-314	amended	Ch. 422	SB 33
69-12-321	amended	Ch. 422	SB 33
69-12-322	amended	Ch. 422	SB 33
69-12-323	amended	Ch. 422	SB 33
69-12-324	amended	Ch. 422	SB 33
69-12-404	amended	Ch. 422	SB 33
69-12-406	amended	Ch. 422	SB 33
69-12-407	amended	Ch. 422	SB 33
69-12-502	amended	Ch. 422	SB 33
69-12-601	repealed	Ch. 163	HB 52
69-12-602	repealed	Ch. 163	HB 52
69-12-603	repealed	Ch. 163	HB 52

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69-12-604	repealed	Ch. 163	HB 52
69-12-605	repealed	Ch. 163	HB 52
69-12-611	repealed	Ch. 163	HB 52
	amended	Ch. 422	SB 33
70-1-108	amended	Ch. 344	SB 178
70-9-802	amended	Ch. 588	HB 136
70-9-803	amended	Ch. 588	HB 136
70-9-808	amended	Ch. 588	HB 136
70-9-809	amended	Ch. 588	HB 136
70-9-810	amended	Ch. 588	HB 136
70-9-812	amended	Ch. 588	HB 136
70-9-820	amended	Ch. 588	HB 136
70-9-827	amended	Ch. 588	HB 136
70-9-830	enacted	Ch. 588	HB 136
70-17-115	enacted	Ch. 329	SB 138
70-17-210	enacted	Ch. 665	SB 247
70-17-216	enacted	Ch. 169	HB 187
70-20-501	enacted	Ch. 375	HB 296
70-20-502	enacted	Ch. 375	HB 296
70-20-503	enacted	Ch. 375	HB 296
70-20-504	enacted	Ch. 375	HB 296
70-20-505	enacted	Ch. 375	HB 296
70-22-201	amended	Ch. 473	SB 398
70-22-203	amended	Ch. 473	SB 398
70-22-205	amended	Ch. 473	SB 398
70-22-206	amended	Ch. 473	SB 398
70-22-207	amended	Ch. 473	SB 398
70-22-211	enacted	Ch. 473	SB 398
70-23-304	amended	Ch. 308	SB 23
70-24-102	amended	Ch. 572	HB 283
70-24-114	enacted	Ch. 284	HB 703
70-24-424	amended	Ch. 715	HB 282
70-24-427	amended	Ch. 715	HB 282
70-24-429	amended	Ch. 715	HB 282
70-25-102	amended	Ch. 383	HB 488
70-25-201	amended	Ch. 383	HB 488
70-25-202	amended	Ch. 383	HB 488
70-30-102	amended	Ch. 238	SB 159
70-30-112	enacted	Ch. 238	SB 159
70-33-102	amended	Ch. 572	HB 283
70-33-110	enacted	Ch. 284	HB 703
70-33-424	amended	Ch. 715	HB 282
70-33-427	amended	Ch. 715	HB 282
70-33-429	amended	Ch. 715	HB 282
71-3-551	amended	Ch. 407	SB 314
71-3-1506	amended	Ch. 689	SB 505
72-1-103	amended	Ch. 564	HB 452
	amended	Ch. 685	SB 458
72-3-607	amended	Ch. 564	HB 452
72-3-1101	amended	Ch. 453	SB 286
72-5-110	enacted	Ch. 286	HB 684
72-38-109	amended	Ch. 564	HB 452
72-38-110	amended	Ch. 564	HB 452
72-38-111	amended	Ch. 564	HB 452

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72-38-411	amended	Ch. 564	HB 452
72-38-1103	enacted	Ch. 458	SB 307
75-1-201	amended	Ch. 450	HB 971
	amended (void — sec. 4, Ch. 450)	Ch. 632	HB 641
	amended	Ch. 703	SB 557
75-2-103	amended	Ch. 142	SB 39
75-2-215	amended	Ch. 142	SB 39
75-2-234	amended	Ch. 142	SB 39
75-5-301	amended	Ch. 752	SB 285
75-5-403	amended	Ch. 512	HB 561
75-6-104	amended	Ch. 353	SB 237
75-6-108	amended	Ch. 353	SB 237
75-6-121	amended	Ch. 611	HB 364
75-6-130	enacted	Ch. 353	SB 237
75-7-301	repealed	Ch. 428	SB 83
75-7-302	repealed	Ch. 428	SB 83
75-7-303	repealed	Ch. 428	SB 83
75-7-304	repealed	Ch. 428	SB 83
75-7-305	repealed	Ch. 428	SB 83
75-7-307	repealed	Ch. 428	SB 83
75-7-308	repealed	Ch. 428	SB 83
75-10-233	amended	Ch. 77	SB 91
75-10-301	repealed	Ch. 144	SB 48
75-10-302	repealed	Ch. 144	SB 48
75-10-303	repealed	Ch. 144	SB 48
75-10-711	amended	Ch. 127	HB 88
75-10-805	amended	Ch. 365	HB 47
75-11-307	amended	Ch. 754	SB 334
75-11-309	amended	Ch. 754	SB 334
75-11-312	amended	Ch. 754	SB 334
75-11-318	amended	Ch. 754	SB 334
75-11-403	amended	Ch. 57	HB 54
75-11-408	amended	Ch. 57	HB 54
75-20-301	amended	Ch. 451	SB 274
76-1-114	enacted	Ch. 327	SB 130
76-2-101	amended	Ch. 401	SB 143
76-2-118	enacted	Ch. 401	SB 143
76-2-202	amended	Ch. 178	HB 246
76-2-302	amended	Ch. 178	HB 246
	amended	Ch. 501	SB 407
76-2-304	amended	Ch. 445	SB 323
	amended	Ch. 499	SB 245
76-2-309	amended	Ch. 445	SB 323
	amended	Ch. 499	SB 245
76-2-345	enacted	Ch. 502	SB 528
76-2-412	amended	Ch. 553	HB 918
76-2-1003	enacted	Ch. 344	SB 178
76-3-105	amended	Ch. 332	SB 158
76-3-201	amended	Ch. 328	SB 131
	amended	Ch. 549	HB 874
76-3-203	amended	Ch. 448	SB 331
76-3-207	amended	Ch. 328	SB 131
	amended	Ch. 332	SB 158
	amended	Ch. 549	HB 874

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76-3-507	amended	Ch. 353	SB 237
76-3-609	amended	Ch. 331	SB 152
	amended	Ch. 340	SB 170
76-3-615	amended	Ch. 171	HB 211
76-3-617	amended	Ch. 171	HB 211
76-3-622	amended	Ch. 673	SB 327
76-3-623	amended	Ch. 171	HB 211
76-4-102	amended	Ch. 353	SB 237
	amended	Ch. 611	HB 364
	amended	Ch. 673	SB 327
	amended	Ch. 752	SB 285
76-4-104	amended	Ch. 611	HB 364
	amended	Ch. 673	SB 327
	amended	Ch. 752	SB 285
76-4-105	amended	Ch. 611	HB 364
76-4-108	amended	Ch. 752	SB 285
76-4-114	amended	Ch. 611	HB 364
76-4-115	amended	Ch. 611	HB 364
	amended	Ch. 752	SB 285
76-4-116	amended	Ch. 611	HB 364
76-4-120	enacted	Ch. 353	SB 237
76-4-125	amended	Ch. 752	SB 285
76-4-127	amended	Ch. 611	HB 364
76-4-136	enacted	Ch. 354	SB 240
76-12-108	amended	Ch. 238	SB 159
76-13-102	amended	Ch. 662	SB 219
76-13-112	amended	Ch. 662	SB 219
76-13-150	amended	Ch. 740	HB 883
76-13-203	amended	Ch. 662	SB 219
76-13-214	amended	Ch. 662	SB 219
76-13-418	enacted	Ch. 478	SB 448
76-14-112	amended	Ch. 437	SB 217
76-15-106	amended	Ch. 119	HB 53
76-15-107	enacted	Ch. 116	HB 34
76-15-108	enacted	Ch. 717	HB 321
76-17-102	amended	Ch. 507	HB 521
76-25-101	enacted	Ch. 500	SB 382
76-25-102	enacted	Ch. 500	SB 382
76-25-103	enacted	Ch. 500	SB 382
76-25-104	enacted	Ch. 500	SB 382
76-25-105	enacted	Ch. 500	SB 382
76-25-106	enacted	Ch. 500	SB 382
76-25-201	enacted	Ch. 500	SB 382
76-25-202	enacted	Ch. 500	SB 382
76-25-203	enacted	Ch. 500	SB 382
76-25-206	enacted	Ch. 500	SB 382
76-25-207	enacted	Ch. 500	SB 382
76-25-208	enacted	Ch. 500	SB 382
76-25-209	enacted	Ch. 500	SB 382
76-25-213	enacted	Ch. 500	SB 382
76-25-214	enacted	Ch. 500	SB 382
76-25-215	enacted	Ch. 500	SB 382
76-25-216	enacted	Ch. 500	SB 382
76-25-301	enacted	Ch. 500	SB 382

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76-25-302	enacted	Ch. 500	SB 382
76-25-303	enacted	Ch. 500	SB 382
76-25-304	enacted	Ch. 500	SB 382
76-25-305	enacted	Ch. 500	SB 382
76-25-306	enacted	Ch. 500	SB 382
76-25-307	enacted	Ch. 500	SB 382
76-25-401	enacted	Ch. 500	SB 382
76-25-402	enacted	Ch. 500	SB 382
76-25-403	enacted	Ch. 500	SB 382
76-25-404	enacted	Ch. 500	SB 382
76-25-408	enacted	Ch. 500	SB 382
76-25-409	enacted	Ch. 500	SB 382
76-25-410	enacted	Ch. 500	SB 382
76-25-411	enacted	Ch. 500	SB 382
76-25-412	enacted	Ch. 500	SB 382
76-25-413	enacted	Ch. 500	SB 382
76-25-501	enacted	Ch. 500	SB 382
76-25-502	enacted	Ch. 500	SB 382
76-25-503	enacted	Ch. 500	SB 382
76-25-504	enacted	Ch. 500	SB 382
77-1-121	amended	Ch. 63	HB 85
77-1-801	amended	Ch. 507	HB 521
77-1-802	amended	Ch. 507	HB 521
77-1-804	amended	Ch. 507	HB 521
77-1-815	amended	Ch. 507	HB 521
77-2-101	amended	Ch. 309	SB 42
77-2-102	amended	Ch. 309	SB 42
77-2-103	amended	Ch. 309	SB 42
77-2-107	amended	Ch. 309	SB 42
77-2-363	amended	Ch. 226	SB 49
77-5-201	amended	Ch. 143	SB 43
80-5-134	amended	Ch. 630	HB 487
80-7-805	amended	Ch. 65	HB 93
80-7-903	amended	Ch. 65	HB 93
80-7-904	repealed	Ch. 65	HB 93
80-7-909	amended	Ch. 65	HB 93
80-7-1016	amended	Ch. 119	HB 53
80-7-1026	repealed	Ch. 428	SB 83
80-7-1031	enacted	Ch. 116	HB 34
80-7-1203	amended	Ch. 456	SB 293
80-8-207	amended	Ch. 759	SB 561
80-11-225	enacted	Ch. 732	HB 738
80-11-701	repealed	Ch. 66	HB 94
80-11-702	repealed	Ch. 66	HB 94
80-18-101	amended	Ch. 746	HB 948
81-2-122	enacted	Ch. 130	HB 100
81-2-201	amended	Ch. 75	HB 51
81-2-202	repealed	Ch. 75	HB 51
81-2-203	amended	Ch. 75	HB 51
81-2-204	amended	Ch. 75	HB 51
81-2-205	repealed	Ch. 75	HB 51
81-2-206	repealed	Ch. 75	HB 51
81-2-207	repealed	Ch. 75	HB 51
81-2-208	amended	Ch. 75	HB 51

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81-2-209	amended	Ch. 75	HB 51
81-2-210	amended	Ch. 75	HB 51
81-2-501	amended	Ch. 126	HB 84
81-2-502	amended	Ch. 126	HB 84
81-2-503	repealed	Ch. 126	HB 84
81-2-504	amended	Ch. 126	HB 84
81-2-505	repealed	Ch. 126	HB 84
81-2-507	repealed	Ch. 126	HB 84
81-2-508	repealed	Ch. 126	HB 84
81-2-509	repealed	Ch. 126	HB 84
81-2-510	amended	Ch. 126	HB 84
81-2-708	amended	Ch. 194	HB 388
81-3-103	amended	Ch. 217	HB 767
81-3-203	amended	Ch. 3	HB 44
81-4-203	amended	Ch. 679	SB 375
81-4-208	amended	Ch. 679	SB 375
81-6-302	amended	Ch. 99	HB 159
81-6-311	repealed	Ch. 99	HB 159
81-6-312	repealed	Ch. 99	HB 159
81-6-313	amended	Ch. 99	HB 159
81-7-123	amended	Ch. 507	HB 521
81-7-503	repealed	Ch. 132	HB 104
81-8-213	amended	Ch. 37	HB 153
81-8-251	amended	Ch. 37	HB 153
81-8-252	amended	Ch. 37	HB 153
81-8-264	amended	Ch. 37	HB 153
81-8-265	amended	Ch. 37	HB 153
81-9-217	amended	Ch. 423	SB 37
81-9-218	amended	Ch. 98	HB 158
81-23-102	amended	Ch. 426	SB 71
82-4-203	amended	Ch. 524	HB 656
	amended	Ch. 631	HB 576
82-4-221	amended	Ch. 524	HB 656
82-4-222	amended	Ch. 631	HB 576
82-4-225	amended	Ch. 524	HB 656
82-4-229	enacted	Ch. 524	HB 656
82-4-251	amended	Ch. 472	SB 392
82-4-252	amended	Ch. 472	SB 392
82-4-255	enacted	Ch. 472	SB 392
82-4-341	amended	Ch. 566	HB 460
82-4-361	amended	Ch. 191	HB 347
82-4-441	amended	Ch. 191	HB 347
82-4-601	enacted	Ch. 310	SB 55
82-4-602	enacted	Ch. 310	SB 55
82-4-603	enacted	Ch. 310	SB 55
82-4-604	enacted	Ch. 310	SB 55
82-11-111	amended	Ch. 555	HB 928
82-11-202	amended	Ch. 441	HB 289
85-1-219	amended	Ch. 136	HB 122
85-1-605	amended	Ch. 541	HB 775
85-1-613	amended	Ch. 541	HB 775
85-1-617	amended	Ch. 541	HB 775
85-1-632	enacted	Ch. 116	HB 34
85-1-901	enacted	Ch. 428	SB 83

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85-1-902	enacted	Ch. 428	SB 83
85-1-903	enacted	Ch. 428	SB 83
85-1-904	enacted	Ch. 428	SB 83
85-1-905	enacted	Ch. 428	SB 83
85-1-906	enacted	Ch. 428	SB 83
85-1-907	enacted	Ch. 428	SB 83
85-2-280	amended	Ch. 119	HB 53
85-2-302	amended	Ch. 244	HB 114
85-2-306	amended	Ch. 561	HB 435
85-2-307	amended	Ch. 244	HB 114
85-2-308	amended	Ch. 244	HB 114
85-2-310	amended	Ch. 244	HB 114
85-2-401	amended	Ch. 244	HB 114
85-2-510	amended	Ch. 555	HB 928
85-7-1837	amended	Ch. 198	HB 418
85-20-1504	amended	Ch. 623	HB 141
87-1-201	amended	Ch. 117	HB 42
	amended	Ch. 212	HB 593
87-1-207	amended	Ch. 467	SB 356
87-1-214	amended	Ch. 461	SB 324
87-1-247	amended	Ch. 121	HB 74
87-1-251	amended	Ch. 603	HB 314
87-1-265	amended	Ch. 230	SB 58
87-1-266	amended	Ch. 507	HB 521
87-1-272	amended	Ch. 365	HB 47
87-1-275	enacted	Ch. 267	HB 456
87-1-295	amended	Ch. 265	HB 438
87-1-506	amended	Ch. 507	HB 521
87-1-622	amended	Ch. 117	HB 42
87-2-104	amended	Ch. 404	SB 281
87-2-106	amended	Ch. 507	HB 521
87-2-115	amended	Ch. 487	HB 635
87-2-119	amended	Ch. 71	HB 162
87-2-124	amended	Ch. 166	HB 109
87-2-130	amended	Ch. 318	SB 88
87-2-201	amended	Ch. 507	HB 521
87-2-202	amended	Ch. 507	HB 521
87-2-204	amended	Ch. 507	HB 521
87-2-403	amended	Ch. 507	HB 521
87-2-411	amended	Ch. 626	HB 217
87-2-504	amended	Ch. 404	SB 281
87-2-513	amended	Ch. 730	HB 596
87-2-519	amended	Ch. 507	HB 521
87-2-523	amended	Ch. 90	HB 131
87-2-524	amended	Ch. 90	HB 131
87-2-525	amended	Ch. 69	HB 133
	amended	Ch. 507	HB 521
87-2-603	amended	Ch. 466	SB 354
87-2-702	amended	Ch. 267	HB 456
87-2-714	enacted	Ch. 487	HB 635
87-2-735	enacted	Ch. 94	HB 146
87-2-801	amended	Ch. 507	HB 521
87-2-803	amended	Ch. 318	SB 88
	amended	Ch. 507	HB 521

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87-2-805	amended	Ch. 507	HB 521
87-2-815	amended	Ch. 507	HB 521
87-2-816	amended	Ch. 507	HB 521
87-2-817	amended	Ch. 507	HB 521
87-2-818	amended	Ch. 507	HB 521
87-2-902	repealed	Ch. 27	HB 73
87-3-310	amended	Ch. 316	SB 76
87-3-602	amended	Ch. 668	SB 280
87-3-604	amended	Ch. 668	SB 280
87-5-301	amended	Ch. 670	SB 295
87-5-801	amended	Ch. 64	HB 86
87-5-803	amended	Ch. 64	HB 86
87-5-806	amended	Ch. 64	HB 86
87-6-101	amended	Ch. 317	SB 84
87-6-106	amended	Ch. 670	SB 295
87-6-107	amended	Ch. 317	SB 84
87-6-208	amended	Ch. 317	SB 84
87-6-302	amended	Ch. 507	HB 521
87-6-303	amended	Ch. 507	HB 521
87-6-305	amended	Ch. 316	SB 76
87-6-411	amended	Ch. 316	SB 76
87-6-412	amended	Ch. 316	SB 76
87-6-415	amended	Ch. 166	HB 109
90-1-105	amended	Ch. 594	HB 19
90-1-109	amended	Ch. 233	SB 77
90-1-121	enacted	Ch. 16	SB 80
90-1-122	enacted	Ch. 699	SB 540
90-1-132	amended	Ch. 594	HB 19
90-1-133	repealed	Ch. 594	HB 19
90-1-134	amended	Ch. 594	HB 19
90-1-135	amended	Ch. 594	HB 19
	amended	Ch. 758	SB 522
90-1-201	amended	Ch. 636	HB 881
90-1-202	amended	Ch. 636	HB 881
90-1-203	amended	Ch. 636	HB 881
90-1-204	amended	Ch. 636	HB 881
90-1-205	amended	Ch. 636	HB 881
90-1-401	amended	Ch. 110	HB 343
90-1-402	amended	Ch. 110	HB 343
90-1-403	amended	Ch. 110	HB 343
90-1-404	amended	Ch. 110	HB 343
90-1-405	amended	Ch. 110	HB 343
90-1-406	amended	Ch. 110	HB 343
90-1-409	amended	Ch. 110	HB 343
90-1-410	amended	Ch. 110	HB 343
90-1-411	amended	Ch. 110	HB 343
90-1-412	enacted	Ch. 110	HB 343
90-1-413	amended	Ch. 110	HB 343
90-1-602	amended	Ch. 696	SB 531
90-1-603	amended	Ch. 696	SB 531
90-1-604	amended	Ch. 696	SB 531
90-1-605	amended	Ch. 696	SB 531
90-1-606	amended	Ch. 696	SB 531
90-1-607	amended	Ch. 696	SB 531

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90-1-608	amended	Ch. 696	SB 531
90-1-609	amended	Ch. 696	SB 531
90-2-1122	enacted	Ch. 116	HB 34
90-4-1001	repealed	Ch. 73	HB 170
90-4-1003	repealed	Ch. 73	HB 170
90-6-133	amended	Ch. 577	HB 244
90-6-137	amended	Ch. 774	HB 819
90-6-138	enacted	Ch. 717	HB 321
90-6-141	enacted	Ch. 774	HB 819
90-6-142	enacted	Ch. 774	HB 819
90-6-143	enacted	Ch. 774	HB 819
90-6-144	enacted	Ch. 774	HB 819
90-6-145	enacted	Ch. 774	HB 819
90-6-146	enacted	Ch. 774	HB 819
90-6-147	enacted	Ch. 774	HB 819
90-6-148	enacted	Ch. 774	HB 819
90-6-149	enacted	Ch. 774	HB 819
90-6-213	enacted	Ch. 113	HB 795
90-6-716	enacted	Ch. 113	HB 795
90-6-1001	amended	Ch. 717	HB 321
90-7-225	amended	Ch. 137	HB 125
90-7-229	amended	Ch. 137	HB 125
90-11-101	amended	Ch. 594	HB 19
90-11-102	amended	Ch. 594	HB 19
90-15-102	amended	Ch. 110	HB 343
90-15-201	repealed	Ch. 110	HB 343
90-15-202	repealed	Ch. 110	HB 343
90-15-203	repealed	Ch. 110	HB 343
90-15-301	amended	Ch. 110	HB 343
90-15-303	amended	Ch. 110	HB 343

SESSION LAWS AFFECTED

Laws Affected	Action	Chapter No.	Bill No.
Laws of 1997			
Ch. 537, sec. 9	repealed	Ch. 690	SB 506
Laws of 2001			
Ch. 226, sec. 5	repealed	Ch. 690	SB 506
Laws of 2005			
Ch. 4, sec. 7	repealed	Ch. 690	SB 506
Ch. 499, sec. 2(2)	amended	Ch. 722	HB 424
Laws of 2007			
Ch. 208, sec. 2, 3, 4, 7	repealed	Ch. 690	SB 506
Laws of 2011			
Ch. 339, sec. 13	amended	Ch. 20	HB 59
Laws of 2013			
Ch. 244, sec. 5	amended	Ch. 621	HB 91
Ch. 317, sec. 2-8, 11	repealed	Ch. 690	SB 506
Laws of 2015			
Ch. 427, sec. 10	repealed	Ch. 183	HB 292
Laws of 2017			
Ch. 54, sec. 6	amended	Ch. 145	SB 57
Ch. 55, sec. 12	repealed	Ch. 8	HB 67
Ch. 284, sec. 5, 8	amended	Ch. 20	HB 59
Ch. 340, sec. 1	amended	Ch. 621	HB 91
Ch. 342, sec. 11	repealed	Ch. 64	HB 86
Laws of 2019			
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Ch. 138, sec. 7	repealed	Ch. 292	HB 640
Ch. 254, sec. 1-15	repealed	Ch. 690	SB 506
Ch. 307, sec. 4	amended	Ch. 135	HB 117
Ch. 373, sec. 8	amended	Ch. 624	HB 163
Ch. 400, sec. 7	repealed	Ch. 394	HB 702
Ch. 412, sec. 7	amended	Ch. 298	HB 582
Ch. 427, sec. 5	repealed	Ch. 454	SB 288
Ch. 458, sec. 6	repealed	Ch. 566	HB 460
Ch. 476, sec. 1(2), 13	amended	Ch. 722	HB 424
Ch. 477, sec. 5	amended	Ch. 374	HB 274
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Ch. 111, sec. 9	amended	Ch. 145	SB 57
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Ch. 467, sec. 1(2)	amended	Ch. 710	HB 12
Ch. 468, sec. 1(4)	amended	Ch. 763	HB 5
Ch. 480, sec. 8, 9, 10, 14, 15, 16, 25	repealed	Ch. 558	HB 408
Ch. 480, sec. 23, 24	amended	Ch. 558	HB 408
Ch. 501, sec. 26	amended	Ch. 259	HB 379
Ch. 506, sec. 2, 6, 7, 8, 14	repealed	Ch. 45	HB 212
Ch. 506, sec. 12, 13	amended	Ch. 45	HB 212
Ch. 508, sec. 3	repealed	Ch. 587	HB 140
Ch. 525, sec. 12	repealed	Ch. 494	HB 110
Ch. 529, sec. 8	amended	Ch. 711	HB 16
Ch. 550, sec. 23, 24	amended	Ch. 391	HB 601
Ch. 550, sec. 25	repealed	Ch. 391	HB 601
Ch. 551, sec. 5(2)(g)	amended	Ch. 378	HB 367
Ch. 551, sec. 11	amended	Ch. 240	HB 36
Ch. 559, sec. 3, 4, 5, 8, 9, 10, 14	repealed	Ch. 569	HB 485
Ch. 559, sec. 3, 4, 5, 8, 9, 10, 14	repealed	Ch. 725	HB 469
Ch. 559, sec. 12, 13	amended	Ch. 569	HB 485
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Ch. 119	HB 53	04/18/2023
Ch. 120	HB 66	10/01/2023
Ch. 121	HB 74	04/18/2023
Ch. 122	HB 75	04/18/2023
Ch. 123	HB 76	07/01/2023
Ch. 124	HB 80	10/01/2023
Ch. 125	HB 81	10/01/2023
Ch. 126	HB 84	10/01/2023
Ch. 127	HB 88	04/18/2023
Ch. 128 §§ 1 and 3-6	HB 89	10/01/2023
§ 2		01/01/2024
Ch. 129	HB 96	04/18/2023
Ch. 130	HB 100	04/18/2023
Ch. 131	HB 102	04/18/2023
Ch. 132	HB 104	10/01/2023
Ch. 133	HB 105	10/01/2023
Ch. 134	HB 106	04/18/2023
Ch. 135	HB 117	07/01/2023
Ch. 136	HB 122	07/01/2023
Ch. 137	HB 125	04/18/2023
Ch. 138	HB 127	07/01/2024
Ch. 139	SB 5	10/01/2023
Ch. 140	SB 21	04/18/2023
Ch. 141	SB 36	04/18/2023
Ch. 142	SB 39	04/18/2023
Ch. 143	SB 43	10/01/2023
Ch. 144	SB 48	04/18/2023
Ch. 145	SB 57	04/18/2023
Ch. 146	SB 120	04/18/2023
Ch. 147	SB 111	04/19/2023
Ch. 148	SB 98	10/01/2023
Ch. 149	SB 69	07/01/2023
Ch. 150	SB 67	10/01/2023
Ch. 151	SB 13	04/19/2023
Ch. 152	SB 1	07/01/2023
Ch. 153	HB 176	04/19/2023
Ch. 154	HB 173	04/19/2023

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Ch. 155	HB 172	04/19/2023
Ch. 156	HB 171	07/01/2023
Ch. 157 §§ 2-4, 6, 8, 9, 13-18, 20-22, 31, 35-37, 41, and 43	HB 156	04/19/2023
§§ 1, 5, 7, 10-12, 19, 23-30, 32, 34, and 54-58		10/01/2023
§§ 38-40 and 42-53		01/01/2024
§ 33		01/01/2025
Ch. 158	HB 132	04/19/2023
Ch. 159	HB 116	10/01/2023
Ch. 160	HB 18	07/01/2023
Ch. 161	HB 27	10/01/2023
Ch. 162	HB 38	10/01/2023
Ch. 163	HB 52	04/19/2023
Ch. 164	HB 60	07/01/2023
Ch. 165	HB 79	07/01/2023
Ch. 166	HB 109	10/01/2023
Ch. 167	HB 112	04/19/2023
Ch. 168	HB 181	10/01/2023
Ch. 169	HB 187	04/19/2023
Ch. 170	HB 200	07/01/2023
Ch. 171	HB 211	10/01/2023
Ch. 172	HB 213	10/01/2023
Ch. 173	HB 224	04/19/2023
Ch. 174	HB 227	10/01/2023
Ch. 175	HB 228	04/19/2023
Ch. 176	HB 236	10/01/2023
Ch. 177	HB 239	04/19/2023
Ch. 178	HB 246	10/01/2023
Ch. 179	HB 263	01/01/2024
Ch. 180	HB 264	07/01/2023
Ch. 181	HB 286	04/19/2023
Ch. 182	HB 291	10/01/2023
Ch. 183	HB 292	04/19/2023
Ch. 184	HB 295	10/01/2023
Ch. 185	HB 299	04/19/2023
Ch. 186	HB 310	04/20/2023
Ch. 187	HB 311	07/01/2023
Ch. 188	HB 326	04/20/2023
Ch. 189	HB 336	10/01/2023
Ch. 190	HB 342	10/01/2023
Ch. 191	HB 347	10/01/2023
Ch. 192	HB 353	10/01/2023
Ch. 193	HB 356	10/01/2023
Ch. 194	HB 388	10/01/2023
Ch. 195	HB 399	10/01/2023

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Ch. 196		HB 401	10/01/2023
Ch. 197		HB 417	10/01/2023
Ch. 198		HB 418	10/01/2023
Ch. 199		HB 425	10/01/2023
Ch. 200		HB 426	10/01/2023
Ch. 201		HB 497	10/01/2023
Ch. 202		HB 505	10/01/2023
Ch. 203		HB 510	04/20/2023
Ch. 204		HB 518	04/20/2023
Ch. 205		HB 525	10/01/2023
Ch. 206		HB 536	04/20/2023
Ch. 207		HB 555	10/01/2023
Ch. 208		HB 560	10/01/2023
Ch. 209		HB 579	10/01/2023
Ch. 210		HB 584	10/01/2023
Ch. 211		HB 585	10/01/2023
Ch. 212		HB 593	03/01/2024
Ch. 213		HB 639	10/01/2023
Ch. 214		HB 663	10/01/2023
Ch. 215		HB 665	10/01/2023
Ch. 216		HB 710	04/20/2023
Ch. 217		HB 767	10/01/2023
Ch. 218		HB 777	10/01/2023
Ch. 219		HB 809	10/01/2023
Ch. 220		HB 615	04/24/2023
Ch. 221		HB 664	10/01/2023
Ch. 222		HB 675	10/01/2023
Ch. 223		SB 17	07/01/2023
Ch. 224		SB 22	10/01/2023
Ch. 225		SB 24	04/24/2023
Ch. 226		SB 49	04/24/2023
Ch. 227		SB 50	10/01/2023
Ch. 228	§§ 3 and 4	SB 53	04/24/2023
	§§ 1 and 2		01/01/2024
Ch. 229		SB 56	04/24/2023
Ch. 230		SB 58	04/24/2023
Ch. 231		SB 66	10/01/2023
Ch. 232		SB 70	04/24/2023
Ch. 233		SB 77	07/01/2023
Ch. 234		SB 81	04/24/2023
Ch. 235		SB 86	10/01/2023
Ch. 236		SB 100	04/24/2023
Ch. 237		SB 101	04/24/2023
Ch. 238		SB 159	04/24/2023
Ch. 239		SB 215	04/24/2023
Ch. 240		HB 36	04/25/2023
Ch. 241		HB 63	10/01/2023

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Ch. 242	HB 72	10/01/2023
Ch. 243	HB 107	10/01/2023
Ch. 244 §§ 6 and 8	HB 114	07/01/2023
§§ 1-5, 7, and 9		01/01/2024
Ch. 245 §§ 2, 4, and 6-15	HB 135	07/01/2023
§§ 1, 3, and 5		07/01/2024
Ch. 246	HB 154	10/01/2023
Ch. 247	HB 161	10/01/2023
Ch. 248	HB 188	04/25/2023
Ch. 249	HB 210	07/01/2023
Ch. 250	HB 247	04/25/2023
Ch. 251	HB 284	04/25/2023
Ch. 252	HB 298	07/01/2023
Ch. 253	HB 327	10/01/2023
Ch. 254	HB 331	07/01/2023
Ch. 255	HB 335	07/01/2023
Ch. 256	HB 361	04/25/2023
Ch. 257	HB 371	10/01/2023
Ch. 258	HB 374	10/01/2023
Ch. 259	HB 379	04/25/2023
Ch. 260	HB 384	10/01/2023
Ch. 261	HB 387	04/25/2023
Ch. 262	HB 392	10/01/2023
Ch. 263	HB 410	10/01/2023
Ch. 264	HB 427	10/01/2023
Ch. 265	HB 438	04/25/2023
Ch. 266	HB 450	07/01/2023
Ch. 267	HB 456	03/01/2024
Ch. 268	HB 457	10/01/2023
Ch. 269	HB 465	10/01/2023
Ch. 270	HB 489	04/25/2023
Ch. 271	HB 493	07/01/2023
Ch. 272	SB 109	04/26/2023
Ch. 273	SB 218	10/01/2023
Ch. 274	SB 224	10/01/2023
Ch. 275	SB 453	10/01/2023
Ch. 276	HB 811	10/01/2023
Ch. 277	HB 805	10/01/2023
Ch. 278	HB 786	10/01/2023
Ch. 279	HB 751	10/01/2023
Ch. 280	HB 745	07/01/2023
Ch. 281	HB 744	04/26/2023
Ch. 282	HB 739	10/01/2023
Ch. 283	HB 709	04/26/2023
Ch. 284	HB 703	10/01/2023
Ch. 285	HB 695	10/01/2023
Ch. 286	HB 684	04/26/2023

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Ch. 287	HB 682	07/01/2023
Ch. 288	HB 661	10/01/2023
Ch. 289	HB 660	04/26/2023
Ch. 290	HB 659	10/01/2023
Ch. 291	HB 655	07/01/2023
Ch. 292	HB 640	04/26/2023
Ch. 293	HB 636	10/01/2023
Ch. 294	HB 610	04/26/2023
Ch. 295	HB 603	04/26/2023
Ch. 296	HB 598	04/26/2023
Ch. 297	HB 586	10/01/2023
Ch. 298	HB 582	04/26/2023
Ch. 299	HB 578	10/01/2023
Ch. 300	HB 573	10/01/2023
Ch. 301	HB 557	07/01/2023
Ch. 302	HB 550	04/26/2023
Ch. 303	HB 545	10/01/2023
Ch. 304	HB 519	10/01/2023
Ch. 305	HB 504	07/01/2023
Ch. 306	SB 99	10/01/2023
Ch. 307	SB 8	07/01/2023
Ch. 308	SB 23	10/01/2023
Ch. 309	SB 42	05/01/2023
Ch. 310	SB 55	05/01/2023
Ch. 311	SB 61	05/01/2023
Ch. 312	SB 63	10/01/2023
Ch. 313	SB 64	10/01/2023
Ch. 314	SB 65	10/01/2023
Ch. 315	SB 68	05/01/2023
Ch. 316	SB 76	05/01/2023
Ch. 317	SB 84	05/01/2023
Ch. 318	SB 88	05/01/2023
Ch. 319	SB 105	10/01/2023
Ch. 320	SB 106	10/01/2023
Ch. 321	SB 107	05/01/2023
Ch. 322	SB 112	10/01/2023
Ch. 323	SB 113	07/01/2023
Ch. 324	SB 115	10/01/2023
Ch. 325	SB 117	10/01/2023
Ch. 326	SB 128	05/01/2023
Ch. 327	SB 130	10/01/2023
Ch. 328	SB 131	10/01/2023
Ch. 329	SB 138	10/01/2023
Ch. 330	SB 142	01/01/2024
Ch. 331	SB 152	10/01/2023
Ch. 332	SB 158	05/01/2023
Ch. 333	SB 162	10/01/2023

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Ch. 334	SB 163	10/01/2023
Ch. 335	SB 396	10/01/2023
Ch. 336	SB 414	05/01/2023
Ch. 337	SB 164	10/01/2023
Ch. 338	SB 166	05/02/2023
Ch. 339	SB 167	10/01/2023
Ch. 340	SB 170	10/01/2023
Ch. 341	SB 173	10/01/2023
Ch. 342	SB 174	10/01/2023
Ch. 343	SB 177	10/01/2023
Ch. 344	SB 178	05/02/2023
Ch. 345	SB 197	05/02/2023
Ch. 346	SB 199	05/02/2023
Ch. 347	SB 202	10/01/2023
Ch. 348	SB 213	07/01/2023
Ch. 349	SB 214	10/01/2023
Ch. 350	SB 220	10/01/2023
Ch. 351	SB 234	10/01/2023
Ch. 352	SB 236	10/01/2023
Ch. 353	SB 237	05/02/2023
Ch. 354	SB 240	05/02/2023
Ch. 355	SB 244	07/01/2023
Ch. 356	SB 260	10/01/2023
Ch. 357	SB 262	10/01/2023
Ch. 358	SB 263	10/01/2023
Ch. 359	SB 264	10/01/2023
Ch. 360	SB 269	01/01/2024
Ch. 361	SB 270	10/01/2023
Ch. 362	SB 411	05/02/2023
Ch. 363	HB 32	07/01/2023
Ch. 364	HB 45	10/01/2023
Ch. 365	HB 47	10/01/2023
Ch. 366	HB 115	10/01/2023
Ch. 367	HB 186	05/03/2023
Ch. 368	HB 203	07/01/2024
Ch. 369	HB 215	05/03/2023
Ch. 370	HB 231	07/01/2023
Ch. 371	HB 242	10/01/2023
Ch. 372	HB 255	05/03/2023
Ch. 373	HB 262	10/01/2023
Ch. 374	HB 274	05/03/2023
Ch. 375	HB 296	10/01/2023
Ch. 376	HB 303	10/01/2023
Ch. 377	HB 309	10/01/2023
Ch. 378	HB 367	05/03/2023
Ch. 379	HB 422	10/01/2023
Ch. 380	HB 440	10/01/2023

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Ch. 381		HB 443	10/01/2023
Ch. 382		HB 461	10/01/2023
Ch. 383		HB 488	05/03/2023
Ch. 384		HB 513	07/01/2023
Ch. 385		HB 523	07/01/2023
Ch. 386		HB 529	05/03/2023
Ch. 387		HB 535	10/01/2023
Ch. 388		HB 543	07/01/2023
Ch. 389		HB 575	05/03/2023
Ch. 390		HB 583	07/01/2024
Ch. 391		HB 601	05/03/2023
Ch. 392		HB 625	05/03/2023
Ch. 393		HB 691	10/01/2023
Ch. 394		HB 702	05/03/2023
Ch. 395		HB 712	05/03/2023
Ch. 396		HB 724	10/01/2023
Ch. 397		HB 750	10/01/2023
Ch. 398		HB 800	10/01/2023
Ch. 399	§§ 18 and 19	HB 823	10/01/2023
	§§ 1-17		01/01/2024
Ch. 400	§§ 1, 3-7, and 9-19	SB 74	07/01/2023
	§§ 2 and 8		07/01/2024
Ch. 401		SB 143	05/03/2023
Ch. 402		SB 154	10/01/2023
Ch. 403		SB 155	10/01/2023
Ch. 404		SB 281	03/01/2024
Ch. 405		SB 284	10/01/2023
Ch. 406		SB 308	10/01/2023
Ch. 407		SB 314	05/03/2023
Ch. 408		SB 339	10/01/2023
Ch. 409		SB 377	10/01/2023
Ch. 410		SB 378	10/01/2023
Ch. 411		SB 406	10/01/2023
Ch. 412		SB 416	05/03/2023
Ch. 413		SB 422	10/01/2023
Ch. 414		SB 423	10/01/2023
Ch. 415		SB 430	05/03/2023
Ch. 416		SB 464	10/01/2023
Ch. 417		SB 480	10/01/2023
Ch. 418		SB 483	05/03/2023
Ch. 419		SB 492	10/01/2023
Ch. 420		SB 16	05/04/2023
Ch. 421		SB 32	07/01/2023
Ch. 422		SB 33	05/04/2023
Ch. 423		SB 37	10/01/2023
Ch. 424		SB 54	10/01/2023
Ch. 425		SB 60	07/01/2023

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Ch. 426	SB 71	05/04/2023
Ch. 427	SB 78	10/01/2023
Ch. 428	SB 83	07/01/2023
Ch. 429	SB 150	10/01/2023
Ch. 430	SB 165	05/04/2023
Ch. 431	SB 171	05/04/2023
Ch. 432	SB 176	05/04/2023
Ch. 433	SB 201	05/04/2023
Ch. 434	SB 203	10/01/2023
Ch. 435	SB 208	05/04/2023
Ch. 436	SB 216	05/04/2023
Ch. 437	SB 217	10/01/2023
Ch. 438	SB 228	05/04/2023
Ch. 439	SB 232	10/01/2023
Ch. 440	SB 252	10/01/2023
Ch. 441	HB 289	10/01/2023
Ch. 442	SB 310	10/01/2023
Ch. 443	SB 312	10/01/2023
Ch. 444	SB 321	10/01/2023
Ch. 445	SB 323	01/01/2024
Ch. 446	SB 325	10/01/2023
Ch. 447	SB 330	10/01/2023
Ch. 448	SB 331	05/04/2023
Ch. 449	HB 234	10/01/2023
Ch. 450	HB 971	05/10/2023
Ch. 451	SB 274	05/08/2023
Ch. 452	SB 279	10/01/2023
Ch. 453	SB 286	10/01/2023
Ch. 454	SB 288	05/08/2023
Ch. 455	SB 289	10/01/2023
Ch. 456	SB 293	10/01/2023
Ch. 457	SB 300	01/01/2024
Ch. 458	SB 307	10/01/2023
Ch. 459	SB 309	05/08/2023
Ch. 460	SB 313	10/01/2023
Ch. 461	SB 324	05/08/2023
Ch. 462	SB 338	10/01/2023
Ch. 463	SB 340	01/01/2024
Ch. 464	SB 344	10/01/2023
Ch. 465	SB 345	10/01/2023
Ch. 466	SB 354	05/08/2023
Ch. 467	SB 356	10/01/2023
Ch. 468	SB 358	05/08/2023
Ch. 469	SB 363	05/08/2023
Ch. 470	SB 373	05/08/2023
Ch. 471	SB 391	10/01/2023
Ch. 472	SB 392	05/08/2023

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Ch. 473	SB 398	10/01/2023
Ch. 474	SB 400	10/01/2023
Ch. 475	SB 426	05/08/2023
Ch. 476	SB 432	05/08/2023
Ch. 477	SB 444	07/01/2023
Ch. 478	SB 448	05/08/2023
Ch. 479	SB 451	05/08/2023
Ch. 480	SB 452	10/01/2023
Ch. 481	SB 454	10/01/2023
Ch. 482	SB 455	10/01/2023
Ch. 483	SB 456	10/01/2023
Ch. 484	SB 457	10/01/2023
Ch. 485	SB 491	10/01/2023
Ch. 486	HB 567	05/09/2023
Ch. 487	HB 635	03/01/2024
Ch. 488	HB 544	07/01/2023
Ch. 489	SB 51	05/16/2023
Ch. 490 §§ 1-3, 5(1), 5(4), and 6-11	HB 721	05/16/2023
§§ 4, 5(2), and 5(3).....	.....	Effective on the later of: (a) passage and approval; or (b) the date the department of public health and human services certifies in writing to the code commissioner that the form required under [sec 4] has been created.
Ch. 491	HB 862	07/01/2023
Ch. 492	HB 937	10/01/2023
Ch. 493	HB 225	05/16/2023
Ch. 494	HB 110	05/01/2023
Ch. 495	HB 306	05/01/2023
Ch. 496	HB 400	10/01/2023
Ch. 497	SB 410	10/01/2023
Ch. 498	HB 218	10/01/2023
Ch. 499	SB 245	05/17/2023
Ch. 500	SB 382	05/17/2023
Ch. 501	SB 407	10/01/2023
Ch. 502	SB 528	01/01/2024
Ch. 503	SB 419	01/01/2024
Ch. 504	HB 491	05/18/2023
Ch. 505	HB 490	05/18/2023
Ch. 506	HB 500	10/01/2023
Ch. 507	HB 521	07/01/2023
Ch. 508	HB 534	10/01/2023

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Ch. 509	HB 541	10/01/2023
Ch. 510	HB 549	07/01/2023
Ch. 511	HB 556	10/01/2023
Ch. 512	HB 561	05/18/2023
Ch. 513	HB 562	07/01/2023
Ch. 514	HB 580	07/01/2024
Ch. 515	HB 588	07/01/2023
Ch. 516	HB 590	10/01/2023
Ch. 517	HB 591	10/01/2023
Ch. 518	HB 592	05/18/2023
Ch. 519	HB 597	07/01/2023
Ch. 520	HB 612	01/01/2024
Ch. 521	HB 619	07/01/2023
Ch. 522	HB 622	05/18/2023
Ch. 523	HB 631	10/01/2023
Ch. 524	HB 656	10/01/2023
Ch. 525	HB 668	10/01/2023
Ch. 526	HB 674	05/18/2023
Ch. 527	HB 676	05/18/2023
Ch. 528	HB 679	10/01/2023
Ch. 529	HB 685	05/18/2023
Ch. 530	HB 689	10/01/2023
Ch. 531	HB 697	05/18/2023
Ch. 532	HB 705	10/01/2023
Ch. 533	HB 706	10/01/2023
Ch. 534	HB 715	07/01/2023
Ch. 535	HB 729	05/18/2023
Ch. 536	HB 743	05/18/2023
Ch. 537	HB 749	07/01/2023
Ch. 538	HB 754	05/18/2023
Ch. 539	HB 761	10/01/2023
Ch. 540	HB 764	01/01/2024
Ch. 541	HB 775	05/18/2023
Ch. 542	HB 790	10/01/2023
Ch. 543	HB 791	05/18/2023
Ch. 544	HB 802	10/01/2023
Ch. 545	HB 833	07/01/2023
Ch. 546	HB 836	10/01/2023
Ch. 547	HB 840	07/01/2023
Ch. 548	HB 845	07/01/2023
Ch. 549	HB 874	10/01/2023
Ch. 550	HB 880	07/01/2023
Ch. 551	HB 886	10/01/2023
Ch. 552 §§ 4 and 5	HB 902	07/01/2023
§§ 1-3		10/01/2023
Ch. 553	HB 918	07/01/2023
Ch. 554	HB 922	07/01/2023

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Ch. 555		HB 928	10/01/2023
Ch. 556		HB 938	10/01/2023
Ch. 557		HB 947	07/01/2023
Ch. 558		HB 408	05/18/2023
Ch. 559		HB 412	10/01/2023
Ch. 560		HB 433	10/01/2023
Ch. 561		HB 435	05/18/2023
Ch. 562		HB 439	01/01/2024
Ch. 563		HB 447	01/01/2024
Ch. 564		HB 452	10/01/2023
Ch. 565		HB 455	05/18/2023
Ch. 566		HB 460	05/18/2023
Ch. 567		HB 470	10/01/2023
Ch. 568		HB 477	05/18/2023
Ch. 569	§§ 3-6	HB 485	05/18/2023
	§§ 1 and 2		01/01/2024
Ch. 570		HB 486	10/01/2023
Ch. 571		HB 287	07/01/2023
Ch. 572		HB 283	05/18/2023
Ch. 573		HB 270	07/01/2023
Ch. 574		HB 257	07/01/2023
Ch. 575		HB 256	05/18/2023
Ch. 576		HB 245	05/18/2023
Ch. 577		HB 244	07/01/2023
Ch. 578		HB 241	10/01/2023
Ch. 579	§§ 1, 2, 4, and 5	HB 220	05/18/2023
	§ 3		07/01/2023
Ch. 580		HB 214	07/01/2023
Ch. 581		HB 198	10/01/2023
Ch. 582		HB 196	05/18/2023
Ch. 583		HB 189	10/01/2023
Ch. 584		HB 174	07/01/2023
Ch. 585		HB 164	05/18/2023
Ch. 586		HB 147	Effective on the later of July 1, 2023, or the date that the department of public health and human services certifies to the code commissioner that the centers for medicare and medicaid services has approved a state plan amendment for the enhanced reimbursement rate.
Ch. 587		HB 140	05/18/2023
Ch. 588		HB 136	10/01/2023
Ch. 589		HB 118	05/18/2023
Ch. 590		HB 101	10/01/2023

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Ch. 591		HB 95	05/18/2023
Ch. 592	§§ 1 and 5-10	HB 62	05/18/2023
	§§ 2-4		01/01/2024
Ch. 593		HB 35	05/18/2023
Ch. 594		HB 19	07/01/2023
Ch. 595		HB 11	07/01/2023
Ch. 596		HB 9	07/01/2023
Ch. 597		HB 7	07/01/2023
Ch. 598		HB 297	07/01/2023
Ch. 599		HB 377	05/18/2023
Ch. 600		HB 302	01/01/2024
Ch. 601		HB 305	07/01/2023
Ch. 602		HB 312	07/01/2023
Ch. 603		HB 314	07/01/2023
Ch. 604		HB 322	05/18/2023
Ch. 605		HB 333	01/01/2024
Ch. 606		HB 346	05/18/2023
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	§ 3(1)(d)		Effective on the date that the Montana department of justice certifies to the code commissioner that the federal department of transportation has granted a waiver to the state under [section 3(1)(d)].
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		§§ 5-6
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10/01/2023	Ch. 767	SB 19
10/01/2023	Ch. 768	SB 351
10/01/2023	Ch. 775	HB 693
10/01/2023	Ch. 779	SB 184
10/01/2023	Ch. 783	SB 181
01/01/2024	Ch. 46	HB 221
01/01/2024	Ch. 47	HB 222
		§ 5
01/01/2024	Ch. 50	SB 121
		§ 1
01/01/2024	Ch. 58	HB 56
		§§ 2-7
01/01/2024	Ch. 102	HB 240
01/01/2024	Ch. 128	HB 89
		§ 2
01/01/2024	Ch. 157	HB 156
		§§ 38-40 and 42-53

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01/01/2024	Ch. 228	SB 53
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01/01/2024	Ch. 244	HB 114
	§§ 1-5, 7, and 9	
01/01/2024	Ch. 330	SB 142
01/01/2024	Ch. 360	SB 269
01/01/2024	Ch. 399	HB 823
	§§ 1-17	
01/01/2024	Ch. 445	SB 323
01/01/2024	Ch. 457	SB 300
01/01/2024	Ch. 463	SB 340
01/01/2024	Ch. 502	SB 528
01/01/2024	Ch. 503	SB 419
01/01/2024	Ch. 520	HB 612
01/01/2024	Ch. 540	HB 764
01/01/2024	Ch. 562	HB 439
01/01/2024	Ch. 563	HB 447
01/01/2024	Ch. 569	HB 485
	§§ 1 and 2	
01/01/2024	Ch. 592	HB 62
	§§ 2-4	
01/01/2024	Ch. 600	HB 302
01/01/2024	Ch. 605	HB 333
01/01/2024	Ch. 650	SB 104
	§ 1	
01/01/2024	Ch. 669	SB 294
	§ 9	
01/01/2024	Ch. 690	SB 506
	§§ 1-4	
01/01/2024	Ch. 700	SB 544
01/01/2024	Ch. 701	SB 550
	§§ 1-6	
01/01/2024	Ch. 702	SB 554
	§ 6	
01/01/2024	Ch. 725	HB 469
	§§ 1 and 2	
01/01/2024	Ch. 743	HB 903
	§ 3	
01/01/2024	Ch. 782	SB 516
	§§ 1-3, 5-8, and 10-12	
03/01/2024	Ch. 212	HB 593
03/01/2024	Ch. 267	HB 456
03/01/2024	Ch. 404	SB 281
03/01/2024	Ch. 487	HB 635
03/01/2024	Ch. 626	HB 217
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07/01/2024	Ch. 138	HB 127
07/01/2024	Ch. 245	HB 135
	§§ 1, 3, and 5	
07/01/2024	Ch. 368	HB 203
07/01/2024	Ch. 390	HB 583
07/01/2024	Ch. 400	SB 74
	§§ 2 and 8	
07/01/2024	Ch. 514	HB 580
07/01/2024	Ch. 608	HB 352
	§§ 5-7	
07/01/2024	Ch. 741	HB 890
	§§ 1, 2, and 4	
07/01/2024	Ch. 749	SB 75
	§§ 1-4 and 7	
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10/01/2024	Ch. 681	SB 384
01/01/2025	Ch. 51	SB 124
01/01/2025	Ch. 157	HB 156
	§ 33	
01/01/2025	Ch. 638	SB 3
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07/01/2025	Ch. 777	HB 29
	§§ 1 and 2	
01/01/2026	Ch. 81	HB 21
	§ 2	
?	Ch. 490	HB 721
	(§§ 4, 5(2) and 5(3), Effective on the later of: (a) passage and approval; or (b) the date the department of public health and human services certifies in writing to the code commissioner that the form required under [section 4] has been created.)	
?	Ch. 586	HB 147
	(Effective on the later of July 1, 2023, or the date that the department of public health and human services certifies to the code commissioner that the centers for medicare and medicaid services has approved a state plan amendment for the enhanced reimbursement rate.)	

Effective Date	Chapter No.	Bill No.
?	Ch. 646	SB 47

(§ 3(1)(d), Effective on the date that the Montana department of justice certifies to the code commissioner that the federal department of transportation has granted a waiver to the state under [sect 3(1)(d)].)

SESSION LAW TO CODE

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1	1	Appropriation
	2	Effective date
2	1	19-3-109
	2	19-5-106
	3	19-6-107
	4	19-7-106
	5	19-8-106
	6	19-9-109
	7	19-13-111
	8	19-17-117
	9	19-20-111
	10	Codification instruction
3	1	81-3-203
	2	Effective date
4	1	32-9-201
	2	32-9-202
	3	32-9-206
	4	32-9-207
	5	32-9-208
	6	32-9-209
	7	32-9-173
	8	32-9-103
	9	32-9-104
	10	32-9-120
	11	32-9-122
	12	32-9-130
	13	32-9-160
	14	32-9-166
	15	Repealer
	16	Codification instruction
	17	Effective date
5	1	52-2-611
	2	Effective date
6	1	16-4-431
	2	16-4-404
	3	Codification instruction
	4	Effective date
7	1	33-17-1204
8	1	Repealer
	2	Effective date
9	1	44-4-404
	2	Effective date
10	1	44-4-404
	2	Effective date
	3	Retroactive applicability
11	1	7-32-2235
	2	53-30-153
	3	Unfunded mandate laws superseded
	4	Transition
	5	Codification instruction
	6	Saving clause
	7	Effective date
12	1	30-14-144
	2	32-1-1501
	3	32-1-1502
	4	32-1-1503
	5	32-1-1504
	6	42-3-204
	7	45-6-333
	8	46-16-222
	9	50-5-1104
	10	52-1-103
	11	52-3-201
	12	52-3-202
	13	52-3-203
	14	52-3-204
	15	52-3-206
	16	52-3-207
	17	52-3-801
	18	52-3-802
	19	52-3-803
	20	52-3-804
	21	52-3-805
	22	52-3-811
	23	52-3-812
	24	52-3-813
	25	52-3-814
	26	52-3-815
	27	52-3-821
	28	52-3-825
13	1	Repealer
	2	Repealer
	3	Effective date
14	1	10-1-501
	2	10-1-502
	3	10-1-505
15	1	2-4-102
	2	23-7-202
	3	23-7-301
	4	Effective date
	5	Retroactive applicability
16	1	90-1-121
	2	Codification instruction
	3	Effective date
17	1	52-1-103
	2	52-3-401
	3	52-3-402
	4	52-3-405
	5	52-3-410
	6	Repealer
	7	Effective date
18	1	15-8-120
	2	Codification instruction
	3	Effective date
	4	Applicability
19	1	15-30-2303

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20	1	Sec. 13, Ch. 339, L. 2011
	2	Sec. 5, Ch. 284, L. 2017
	3	Sec. 8, Ch. 284, L. 2017
	4	Effective date
21	1	16-3-311
	2	Effective date
22	1	23-2-614
	2	Effective date
23	1	32-1-240
	2	32-1-241
	3	32-1-242
	4	32-1-243
	5	32-1-244
	6	32-1-245
	7	32-1-246
	8	17-5-1651
	9	32-1-109
	10	32-1-112
	11	32-1-211
	12	32-1-222
	13	32-1-233
	14	32-1-234
	15	32-1-301
	16	32-1-302
	17	32-1-307
	18	32-1-325
	19	32-1-372
	20	32-1-402
	21	32-1-403
	22	32-1-426
	23	32-1-427
	24	32-1-452
	25	32-1-561
	26	32-1-563
	27	32-1-564
	28	Repealer
	29	Codification instruction
	30	Effective dates
24	1	32-2-827
	2	Effective date
	3	Applicability
25	1	47-1-104 (replaced — sec. 53, Ch. 716)
	2	Notification to tribal governments
26	1	Repealer
	2	Effective date
27	1	Repealer
	2	Effective date
28	1	16-4-433
	2	16-4-404
	3	16-4-416
	4	16-4-801
	5	16-6-303
	6	23-5-119
	7	Codification instruction
	8	Effective date
29	1	16-4-432
	2	16-4-417
	3	Codification instruction
	4	Effective date
30	1	2-2-111
	2	5-2-204
	3	5-2-205
	4	Effective date
31	1	20-9-306
	2	Effective date
	3	Applicability
32	1	16-4-413
	2	Effective date
33	1	16-1-106
	2	16-1-201
	3	16-1-202
	4	16-1-302
	5	16-1-304
	6	Effective date
34	1	16-3-244
35	1	16-3-310
	2	Effective date
36	1	Sec. 26(2), Ch. 401, L. 2021
	2	Effective date
37	1	81-8-213
	2	81-8-251
	3	81-8-252
	4	81-8-264
	5	81-8-265
	6	Effective date
38	1	2-17-506
	2	2-17-512
	3	2-17-513
	4	2-17-516
	5	2-17-543
	6	2-17-545
39	1	17-4-103
	2	17-4-105
	3	Effective date
40	1	20-4-109 (void — sec. 3, Ch. 370; sec. 3, Ch. 721)
	2	Effective date
41	1	16-1-307
	2	Codification instruction
42	1	16-4-407
	2	Effective date
43	1	27-19-201
	2	27-19-301
	3	27-19-315
	4	Severability
	5	Effective date
44	1	15-1-142
	2	15-30-2191 (amended — sec. 4, Ch. 764)
	3	15-30-2110
	4	17-7-502
	5	Codification instruction
	6	Severability
	7	Coordination instruction
	8	Effective date
	9	Termination
45	1	15-1-123
	2	15-6-138
	3	15-10-420
	4	20-9-366 (replaced — sec. 9, Ch. 745)
	5	Sec. 12, Ch. 506, L. 2021
	6	Sec. 13, Ch. 506, L. 2021
	7	Repealer
	8	Coordination instruction
	9	Applicability
46	1	15-30-2103
	2	15-30-2120
	3	Effective date
	4	Coordination instruction
	5	Applicability
47	1	15-1-2301 (amended — sec. 5, Ch. 764)
	2	15-1-2302
	3	15-1-2303
	4	15-30-2110

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	5	15-30-2120
	6	17-7-502
	7	Codification instruction
	8	Coordination instruction
	9	Effective dates
	10	Termination
48	1	17-6-214
	2	17-6-202
	3	17-7-502
	4	44-4-1607
	5	Transfer of funds
	6	Codification instruction
	7	Severability
	8	Coordination instruction
	9	Effective date
	10	Retroactive applicability
49	1	15-70-131
	2	17-7-502
	3	Transfer of funds
	4	Codification instruction
	5	Coordination instruction
	6	Effective date
50	1	15-30-2103
	2	15-30-2318
	3	Effective dates
	4	Applicability
51	1	15-1-601
	2	15-30-2104
	3	15-30-3313
	4	15-31-122
	5	15-31-310
	6	15-31-311
	7	15-31-312
	8	15-31-403
	9	15-31-406
	10	Repealer
	11	Effective date
	12	Applicability
52	1	Time limits
	2	Appropriations — authorization to expend money
	3	Effective date
53	1	16-4-314
	2	Effective date
54	1	53-2-1215
	2	53-2-1216
	3	53-2-1218
55	1	16-3-411
	2	16-4-102
	3	16-4-312
	4	16-4-501
	5	Applicability
56	1	16-4-105
	2	Effective date
57	1	75-11-403
	2	75-11-408
	3	Saving clause
	4	Effective date
58	1	17-5-205
	2	17-5-1302
	3	17-5-1312
	4	17-5-1313
	5	17-5-1316
	6	17-5-1318
	7	17-5-2201
	8	Effective dates
59	1	53-6-406
	2	Effective date
60	1	16-4-105
	2	16-4-109
	3	16-4-110
	4	16-4-111
	5	16-4-305
	6	16-4-306
	7	16-4-420
	8	16-4-501
	9	Transition
	10	Effective date
61	1	16-1-106
	2	16-2-101
	3	16-2-103
	4	16-2-104
	5	16-2-203
	6	Effective date
62	1	44-7-401
	2	44-7-403
	3	44-7-404
	4	44-7-405
	5	44-7-410
	6	40-15-110
	7	Repealer
	8	Codification instruction
	9	Effective date
63	1	77-1-121
	2	Effective date
64	1	87-5-801
	2	87-5-803
	3	87-5-806
	4	Repealer
	5	Effective date
65	1	80-7-805
	2	80-7-903
	3	80-7-909
	4	Repealer
	5	Effective date
66	1	Repealer
	2	Effective date
67	1	15-65-121
	2	15-68-820
68	1	16-1-406
	2	16-1-411
	3	Effective date
	4	Applicability
69	1	87-2-525
	2	Effective date
70	1	39-51-3202
	2	45-6-301
71	1	87-2-119
	2	Effective date
72	1	3-1-906
	2	Effective date
73	1	Repealer
	2	Effective date
74	1	67-10-904
	2	Effective date
75	1	17-7-502
	2	81-2-201
	3	81-2-203
	4	81-2-204
	5	81-2-208
	6	81-2-209
	7	81-2-210
	8	Repealer
	9	Effective date
76	1	16-1-412
	2	16-1-413
	3	16-1-414
	4	16-1-415
	5	16-1-416
	6	16-1-406
	7	16-1-411
	8	16-1-424
	9	16-2-301
	10	Repealer
	11	Codification instruction
77	1	75-10-233
78	1	27-19-316
	2	27-19-317
	3	27-19-318

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79	1	27-19-103
	2	Effective date
	3	Retroactive applicability
80	1	27-19-320
	2	Codification instruction
81	1	20-7-101
	2	20-7-101 (void — sec. 3, Ch. 81)
	3	Coordination instruction
	4	Effective dates (void — sec. 3, Ch. 81)
	5	Termination (void — sec. 3, Ch. 81)
82	1	61-5-208
	2	Effective date
	3	Retroactive applicability
83	1	2-2-121 (void — sec. 8, Ch. 559)
	2	Effective date
84	1	39-71-407
	2	Effective date
85	1	53-9-128
	2	Effective date
86	1	5-2-301
	2	Effective date
	3	Retroactive applicability
87	1	2-16-117
	2	2-18-303
	3	2-18-501
	4	2-18-601
	5	2-18-603
	6	Appropriations
	7	Effective dates
88	1	33-22-114
	2	33-31-111
	3	33-35-306
	4	37-20-104
	5	37-20-203
	6	37-20-301
	7	37-20-401
	8	37-20-403
	9	37-20-404
	10	37-20-405
	11	37-20-410
	12	37-20-411
	13	50-5-1301
	14	50-12-102
	15	50-19-403
	16	50-20-109
	17	53-4-1005
	18	Repealer
	19	Effective date
89	1	61-3-431
	2	Effective date
90	1	87-2-523
	2	87-2-524
	3	Effective date
91	1	10-1-108
92	1	2-15-1816
	2	Effective date
93	1	16-4-105
	2	16-4-201
	3	16-4-412
	4	16-4-420
	5	16-4-430
	6	Effective date
94	1	87-2-735
	2	Codification instruction
	3	Effective date
95	1	2-15-1021
96	1	18-2-102
	2	18-2-103
	3	18-2-105
	4	18-2-111
	5	18-2-201
	6	18-2-301
	7	18-2-302
	8	18-2-501
	9	Coordination instruction
	10	Effective date
97	1	16-4-101
	2	16-4-103 (void — sec. 9, Ch. 97)
	3	16-4-104
	4	16-4-115
	5	16-4-208
	6	16-4-305
	7	16-4-306
	8	16-4-415
	9	Coordination instruction
98	1	81-9-218
99	1	81-6-302
	2	81-6-313
	3	Repealer
100	1	2-15-218
	2	2-15-219
	3	2-18-103
	4	Effective date
101	1	2-17-101
	2	Effective date
102	1	15-62-208
	2	Effective date
103	1	16-3-312
	2	Effective date
104	1	45-8-329
	2	Effective date
105	1	23-7-210
	2	Effective date
106	1	22-3-804
	2	Transition
	3	Notification to tribal governments
	4	Effective date
107	1	2-15-3405
108	1	2-15-122 (replaced — sec. 9, Ch. 603)
109	1	61-8-346
110	1	2-15-1514
	2	7-4-2637
	3	90-1-401
	4	90-1-402
	5	90-1-403
	6	90-1-404
	7	90-1-405
	8	90-1-406
	9	90-1-409
	10	90-1-410
	11	90-1-411
	12	90-1-412
	13	90-1-413
	14	90-15-102
	15	90-15-301
	16	90-15-303
	17	Repealer
	18	Transition
	19	Notification to tribal governments
	20	Codification instruction
	21	Effective date
111	1	15-6-240
	2	Applicability
112	1	20-2-101
	2	Effective date
113	1	90-6-716
	2	90-6-213

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	3	Codification instruction
	4	Effective date
114	1	Repealer
	2	Transition
	3	Effective date
	4	Retroactive applicability
115	1	61-10-102
	2	61-10-147
	3	61-10-209
	4	61-10-213
	5	Effective date
116	1	76-15-107
	2	80-7-1031
	3	85-1-632
	4	90-2-1122
	5	Codification instruction
117	1	87-1-201
	2	87-1-622
	3	Effective date
118	1	16-3-226
	2	16-3-416
	3	16-3-420
	4	Effective date
119	1	15-38-301
	2	76-15-106
	3	80-7-1016
	4	85-2-280
	5	Effective date
120	1	15-24-905
	2	15-24-921
	3	Applicability
121	1	87-1-247
	2	Effective date
122	1	15-70-426
	2	15-70-430
	3	15-70-432
	4	Effective date
123	1	15-70-128
	2	15-70-101
	3	15-70-403
	4	15-70-419
	5	17-5-903
	6	17-7-502
	7	60-3-201
	8	Repealer
	9	Codification instruction
	10	Effective date
124	1	10-1-104
	2	Applicability
125	1	10-2-601
126	1	81-2-501
	2	81-2-502
	3	81-2-504
	4	81-2-510
	5	Repealer
127	1	75-10-711
	2	Effective date
128	1	15-30-2117
	2	15-30-2120
	3	Repealer
	4	Directions to code commissioner
	5	Effective dates
	6	Applicability
129	1	16-6-103
	2	Effective date
130	1	81-2-122
	2	Codification instruction
	3	Effective date
131	1	45-5-624
	2	50-5-101
	3	50-5-103
	4	50-5-247
	5	50-6-404
	6	Effective date
132	1	Repealer
133	1	15-70-102
134	1	10-3-316
	2	17-7-502
	3	Codification instruction
	4	Effective date
135	1	19-20-731
	2	19-20-732
	3	19-20-734
	4	Sec. 4, Ch. 307, L. 2019
	5	Effective date
	6	Termination
136	1	85-1-219
	2	Effective date
137	1	90-7-225
	2	90-7-229
	3	Effective date
138	1	16-4-113
	2	16-1-106
	3	16-3-218
	4	16-4-501
	5	Repealer
	6	Transition
	7	Codification instruction
	8	Effective date
139	1	7-1-2121
	2	7-1-4127
	3	15-18-225
140	1	16-4-419
	2	16-1-106
	3	16-4-414
	4	Codification instruction
	5	Effective date
141	1	5-12-303
	2	52-3-115
	3	53-4-209
	4	Effective date
142	1	75-2-103
	2	75-2-215
	3	75-2-234
	4	Saving clause
	5	Effective date
143	1	77-5-201
144	1	Repealer
	2	Effective date
145	1	60-2-120
	2	18-8-204
	3	18-8-205
	4	60-2-111
	5	60-2-112
	6	60-2-134
	7	Sec. 6, Ch. 54, L. 2017
	8	Sec. 9, Ch. 111, L. 2021
	9	Codification instruction
	10	Effective date
146	1	60-1-239
	2	Codification instruction
	3	Effective date
147	1	60-1-240
	2	Codification instruction
	3	Effective date
148	1	7-31-4101
149	1	20-10-101
	2	20-10-129
	3	20-10-141
	4	20-10-148
	5	Effective date
150	1	50-32-222
	2	50-32-224
	3	50-32-226
	4	50-32-229
	5	50-32-232

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151	1	23-2-535
	2	61-8-1010
	3	61-8-1016
	4	61-8-1018
	5	61-8-1019
	6	61-8-1032
	7	67-1-211
	8	Effective date
152	1	20-9-638
	2	Effective date
153	1	7-13-2101
	2	7-13-2103
	3	7-13-4101
	4	Effective date
154	1	13-17-103
	2	13-35-205
	3	Transition
	4	Effective date
155	1	13-17-510
	2	13-1-101
	3	13-17-503
	4	13-17-505
	5	Codification instruction
	6	Effective date
156	1	20-7-403
	2	20-7-419
	3	20-7-435
	4	20-7-436
	5	Coordination instruction
	6	Effective date
	7	Applicability
157	1	15-31-114
	2	30-10-341
	3	30-10-1004
	4	33-1-408
	5	33-1-605
	6	33-1-1502
	7	33-2-116
	8	33-2-324
	9	33-2-312
	10	33-2-2402
	11	33-2-2404
	12	33-4-509
	13	33-7-127
	14	33-7-531
	15	33-10-204
	16	33-15-336
	17	33-17-410
	18	33-17-1101
	19	33-20-606
	20	33-20-1304
	21	33-20-1316
	22	33-22-156
	23	33-22-170
	24	33-22-172
	25	33-22-173
	26	33-22-177
	27	33-22-1128
	28	33-22-1316
	29	33-23-310
	30	33-25-105
	31	33-25-301
	32	33-31-201
	33	33-32-215
	34	33-33-102
	35	33-33-201
	36	33-33-202
	37	33-22-127
	38	33-36-102
	39	33-36-103
	40	33-36-105
	41	33-36-201
	42	33-36-203
	43	33-36-209
	44	33-36-210
	45	33-36-211
	46	33-36-212
	47	33-36-213
	48	33-36-301
	49	33-36-302
	50	33-36-303
	51	33-36-304
	52	33-36-305
	53	33-36-401
	54	Repealer
	55	Transition
	56	Codification instruction
	57	Effective dates
	58	Applicability
158	1	5-13-304
	2	Effective date
159	1	52-2-310
160	1	44-2-416
	2	44-2-417
	3	Transfer of funds
	4	Appropriation
	5	Notification to tribal governments — county sheriffs
	6	Codification instruction
	7	Effective date
161	1	61-8-303
	2	61-8-308
	3	61-8-312
	4	61-8-326
	5	61-8-331
	6	61-8-346
	7	61-8-356
162	1	45-6-301
163	1	49-4-211
	2	Repealer
	3	Repealer
	4	Effective date
164	1	61-3-571
	2	61-3-572
	3	15-70-126
	4	Codification instruction
	5	Effective date
	6	Applicability
165	1	2-15-2034
	2	2-15-2035
	3	44-4-1701
	4	44-4-1702
	5	44-4-1703
	6	44-4-1704
	7	44-4-1705
	8	5-11-222
	9	46-15-405
	10	Notification to tribal governments
	11	Codification instruction
	12	Effective date
166	1	5-11-222
	2	10-3-125
	3	13-3-205
	4	15-30-2131
	5	19-13-115
	6	30-10-103
	7	30-10-1103
	8	37-31-101
	9	46-23-1016
	10	50-2-116
	11	50-2-118
	12	50-19-205
	13	50-20-709
	14	61-5-129
	15	61-5-208
	16	69-3-904
	17	87-2-124
	18	87-6-415
	19	Directions to code commissioner

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	20	Directions to code commissioner
167	1	20-7-1321
	2	27-1-755
	3	27-2-216
	4	40-4-219
	5	41-3-102
	6	44-5-311
	7	45-1-205
	8	45-2-211
	9	45-5-601
	10	45-5-701
	11	45-5-702 (replaced — sec. 5, Ch. 666)
	12	45-5-703 (replaced — sec. 7, Ch. 666)
	13	45-5-705 (replaced — sec. 8, Ch. 666)
	14	45-5-706 (replaced — sec. 9, Ch. 666)
	15	45-5-707
	16	45-5-708
	17	45-5-709
	18	45-5-710
	19	45-5-711 (replaced — sec. 6, Ch. 666)
	20	45-5-712
	21	45-8-405
	22	46-16-226
	23	46-18-104
	24	46-18-111
	25	46-18-201
	26	46-18-203
	27	46-18-205
	28	46-18-207
	29	46-18-219
	30	46-18-222
	31	46-18-231
	32	46-18-608
	33	46-23-502 (replaced — sec. 7, Ch. 643)
	34	46-23-1011
	35	61-8-818
	36	Repealer
	37	Codification instruction
	38	Severability
	39	Effective date
168	1	20-3-101
	2	20-3-103
169	1	70-17-216
	2	Codification instruction
	3	Severability
	4	Effective date
	5	Retroactive applicability
	6	Applicability
170	1	40-6-402
	2	40-6-405
	3	Effective date
171	1	76-3-615
	2	76-3-617
	3	76-3-623
	4	Applicability
172	1	50-15-209
	2	50-15-101
	3	Codification instruction
173	1	61-3-456
	2	Effective date
174	1	41-3-101
	2	41-3-446
175	1	17-6-231
	2	17-6-232
	3	17-6-233
	4	17-6-234
	5	Codification instruction
	6	Severability
	7	Effective date
176	1	10-4-119
	2	Codification instruction
177	1	3-10-116
	2	Effective date
178	1	76-2-202
	2	76-2-302
179	1	33-22-154
	2	2-18-704
	3	33-31-111
	4	33-35-306
	5	Codification instruction
	6	Effective date
180	1	10-2-901
	2	10-2-902
	3	10-2-903
	4	Appropriation
	5	Codification instruction
	6	Effective date
181	1	16-12-122
	2	53-21-1111
	3	Effective date
182	1	7-6-202
	2	7-7-2316
	3	7-7-4316
	4	20-9-412
183	1	Repealer
	2	Repealer
	3	Effective date
184	1	2-2-302
185	1	7-5-103
	2	7-5-121
	3	Effective date
186	1	16-12-122
	2	Effective date
187	1	53-24-218
	2	16-12-122
	3	53-24-204
	4	Appropriation
	5	Codification instruction
	6	Effective date
	7	Termination
188	1	3-1-1115
	2	3-1-1101
	3	Transition
	4	Repealer
	5	Codification instruction
	6	Effective date
189	1	52-2-721
190	1	10-3-202
191	1	82-4-361
	2	82-4-441
192	1	37-31-101
	2	37-31-102
193	1	30-20-301
	2	Codification instruction
194	1	81-2-708
195	1	41-3-211
	2	41-3-102
	3	41-3-202
	4	41-3-210
	5	Codification instruction
196	1	61-8-370
197	1	37-2-306
	2	Codification instruction
198	1	85-7-1837
199	1	41-5-103

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	2	41-5-205
	3	41-5-1521
	4	46-18-248
200	1	46-23-201
	2	53-1-203
201	1	15-16-101
	2	Applicability
202	1	33-20-1501
203	1	13-37-126
	2	Effective date
204	1	5-2-106
	2	Codification instruction
	3	Severability
	4	Effective date
	5	Applicability
205	1	45-5-502
	2	46-18-205
	3	46-18-231
	4	46-23-502 (void — sec. 8, Ch. 643)
	5	Applicability
206	1	13-10-204
	2	13-10-211
	3	13-15-206
	4	Effective date
207	1	47-1-105
	2	47-1-121
	3	52-2-110
	4	Codification instruction
208	1	41-3-613
	2	Codification instruction
209	1	16-4-312
210	1	2-9-319
	2	Codification instruction
	3	Saving clause
211	1	2-17-819
	2	2-17-807
	3	2-17-808
	4	Codification instruction
	5	Contingent voidness
212	1	87-1-201
	2	Effective date
213	1	53-1-201
214	1	10-2-1302
	2	Codification instruction
215	1	33-22-132
216	1	37-7-105
	2	Effective date
217	1	81-3-103
218	1	37-23-104
	2	Codification instruction
219	1	61-8-314
220	1	37-51-325
	2	Effective date
221	1	License renewal kiosk
222	1	7-13-2334
	2	Codification instruction
223	1	2-15-3308
	2	Effective date
224	1	39-71-417
225	1	15-31-110
	2	Codification instruction
	3	Effective date
	4	Applicability
226	1	77-2-363
	2	Effective date
	3	Applicability
227	1	2-6-1504
	2	2-6-1501
	3	2-6-1502
	4	2-6-1503
	5	Notification to tribal governments
	6	Codification instruction
228	1	30-12-202
	2	30-12-203
	3	Transfer of funds
	4	Effective dates
229	1	13-27-204
	2	13-27-207
	3	Effective date
	4	Applicability
230	1	87-1-265
	2	Effective date
231	1	10-1-905
	2	10-1-902
	3	10-1-1302
	4	10-1-1304
	5	10-1-1305
	6	Codification instruction
232	1	20-4-502
	2	20-4-503
	3	20-4-504
	4	Effective date
233	1	5-1-201
	2	5-1-202
	3	5-1-203
	4	5-1-204
	5	5-1-205
	6	5-1-206
	7	90-1-109
	8	Codification instruction
	9	Severability
	10	Effective date
	11	Applicability
234	1	15-6-138
	2	15-6-141
	3	15-23-101
	4	15-23-301
	5	Effective date
	6	Retroactive applicability
235	1	13-3-101
236	1	37-26-103
	2	37-26-201
	3	37-26-301
	4	Effective date
237	1	37-2-104
	2	37-26-301
	3	Effective date
238	1	70-30-112
	2	7-16-2105
	3	70-30-102
	4	76-12-108
	5	Codification instruction
	6	Effective date
	7	Applicability
239	1	Department to amend rule
	2	Effective date
240	1	20-3-106
	2	20-9-141
	3	20-9-166
	4	20-9-308
	5	20-9-310
	6	20-9-313
	7	Sec. 11, Ch. 551, L. 2021
	8	Repealer
	9	Effective date
	10	Applicability
241	1	27-1-714
	2	45-3-116

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	3	Codification instruction
242	1	16-4-420
243	1	10-3-103
	2	10-3-105
	3	10-3-301
	4	10-3-310
	5	10-3-401
	6	10-3-904
	7	10-3-1202
	8	10-3-1203
	9	10-3-1204
	10	10-3-1207
	11	10-3-1208
	12	10-3-1209
	13	10-3-1210
	14	10-3-1214
	15	10-3-1216
	16	10-3-1217
244	1	85-2-302
	2	85-2-307
	3	85-2-308
	4	85-2-310
	5	85-2-401
	6	Appropriation
	7	Notification to tribal governments
	8	Effective dates
	9	Termination
245	1	19-20-307
	2	19-20-208
	3	19-20-409
	4	19-20-417
	5	19-20-427
	6	19-20-715
	7	19-20-719
	8	19-20-805
	9	19-20-901
	10	19-20-903
	11	19-20-1001
	12	19-20-1002
	13	Codification instruction
	14	Effective dates
	15	Retroactive applicability
246	1	37-8-423
247	1	45-6-310
	2	45-6-311
248	1	15-35-108
	2	Effective date
249	1	17-1-107
	2	Codification instruction
	3	Effective date
250	1	37-51-103
	2	37-51-321
	3	Effective date
251	1	69-8-201
	2	69-8-421
	3	Effective date
252	1	2-15-1205
	2	Transition
	3	Effective date
253	1	7-14-112
254	1	23-2-825
	2	Saving clause
	3	Effective date
255	1	13-13-212
	2	13-13-245
	3	Effective date
256	1	20-1-233
	2	49-2-307
	3	Codification instruction
	4	Effective date
257	1	32-1-423
258	1	61-8-346
	2	61-8-715
259	1	Sec. 26, Ch. 501, L. 2021
	2	Effective date
260	1	13-37-225
261	1	13-37-402
	2	Effective date
262	1	37-27-302
263	1	25-3-107
	2	Codification instruction
264	1	10-1-506
	2	10-3-312
	3	39-71-118
	4	Codification instruction
265	1	87-1-295
	2	Effective date
266	1	20-5-201
	2	20-5-209
	3	Effective date
267	1	87-1-275
	2	87-2-702
	3	Codification instruction
	4	Effective date
268	1	45-5-201
269	1	50-60-106
	2	50-60-302
270	1	2-15-2502
	2	Notification to tribal governments
	3	Effective date
271	1	13-37-240
	2	13-37-402
	3	Effective date
272	1	69-1-104
	2	Effective date
273	1	28-2-710
	2	Codification instruction
274	1	3-1-713
	2	Severability
275	1	2-15-1730 (void — sec. 41, Ch. 620)
	2	2-15-1731 (void — sec. 42, Ch. 620)
	3	37-3-203
	4	37-13-103
	5	37-13-316
276	1	20-3-314
	2	Codification instruction
277	1	2-15-401
	2	35-15-201
	3	35-15-203
	4	35-15-302
	5	35-15-411
	6	35-15-503
	7	35-17-305
278	1	50-20-105
	2	50-20-110
279	1	50-1-207
	2	Codification instruction
280	1	20-7-112
	2	Effective date
281	1	20-7-112
	2	Effective date
282	1	2-4-305
	2	Applicability
283	1	3-1-716
	2	Transition — reports
	3	Codification instruction
	4	Effective date
284	1	70-24-114
	2	70-33-110

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	3	Codification instruction
285	1	27-19-315
286	1	40-4-235
	2	41-3-135
	3	42-1-115
	4	72-5-110
	5	Codification instruction
	6	Severability
	7	Effective date
287	1	50-19-206
	2	50-19-203
	3	Codification instruction
	4	Effective date
288	1	46-9-109
289	1	2-15-201
	2	5-16-104
	3	Effective date
290	1	45-8-322
291	1	37-8-202
	2	37-27-105
	3	53-6-101
	4	Effective date
292	1	46-15-413
	2	Repealer
	3	Codification instruction
	4	Effective date
293	1	39-71-401
294	1	50-6-210
	2	50-6-105
	3	50-6-201
	4	50-6-202
	5	50-6-302
	6	Codification instruction
	7	Effective date
295	1	41-3-615
	2	41-3-425
	3	41-3-602
	4	Repealer
	5	Codification instruction
	6	Effective date
296	1	13-1-125
	2	Codification instruction
	3	Effective date
297	1	22-3-432
298	1	Sec. 7, Ch. 412, L. 2019
	2	Notification to tribal governments
	3	Effective date
299	1	16-4-204
300	1	18-4-132
	2	Applicability
301	1	16-12-122
	2	Effective date
302	1	23-5-614
	2	Effective date
303	1	10-2-802
	2	13-21-102
	3	20-7-134
	4	39-29-101
	5	61-3-458
304	1	61-5-116
	2	61-14-201
305	1	20-3-323
	2	Effective date
306	1	50-4-1001
	2	50-4-1002
	3	50-4-1003
	4	50-4-1004
	5	50-4-1005
	6	50-4-1006
	7	37-2-307
	8	53-6-135
	9	Codification instruction
	10	Severability
307	1	20-7-1601
	2	20-7-1602
	3	Transition
	4	Effective date
308	1	70-23-304
309	1	77-2-101
	2	77-2-102
	3	77-2-103
	4	77-2-107
	5	Effective date
310	1	82-4-601
	2	82-4-602
	3	82-4-603
	4	82-4-604
	5	Codification instruction
	6	Effective date
311	1	13-1-101
	2	13-35-202
	3	13-35-203
	4	13-37-234
	5	Effective date
312	1	16-6-101
	2	16-6-104
	3	16-6-301
	4	16-6-304
313	1	15-30-2606
	2	Applicability
314	1	15-30-2609
	2	15-31-509
	3	Effective date
	4	Applicability
315	1	46-4-201
	2	Effective date
316	1	87-3-310
	2	87-6-305
	3	87-6-411
	4	87-6-412
	5	Effective date
317	1	87-6-101
	2	87-6-107
	3	87-6-208
	4	Effective date
318	1	87-2-130
	2	87-2-803
	3	Effective date
319	1	7-1-111
320	1	61-3-226
321	1	27-1-710
	2	Saving clause
	3	Severability
	4	Effective date
322	1	37-7-106
	2	37-2-101
	3	37-2-102
	4	37-2-103
	5	37-2-104
	6	37-2-108
	7	37-7-101
	8	37-7-103
	9	Codification instruction
323	1	41-3-301
	2	Effective date
324	1	41-3-102
	2	Coordination instruction
325	1	13-35-238
	2	7-8-103
	3	17-3-1001
	4	Codification instruction
	5	Severability
326	1	2-2-121 (void — sec. 8(2), Ch. 559)
	2	Effective date

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327	1	76-1-114
	2	Codification instruction
328	1	76-3-201
	2	76-3-207
329	1	70-17-115
	2	Codification instruction
330	1	7-6-1603
	2	Severability
	3	Effective date
331	1	76-3-609
332	1	76-3-105
	2	76-3-207
	3	Effective date
333	1	41-3-422
334	1	41-3-132
	2	Codification instruction
335	1	61-5-310
	2	Codification instruction
336	1	2-17-807
	2	2-17-808
	3	Effective date
337	1	44-1-111
	2	Codification instruction
338	1	37-31-102
	2	Effective date
339	1	35-2-420
340	1	76-3-609
341	1	7-14-2101
	2	7-14-2103
	3	7-14-2107
	4	7-14-2601
	5	7-14-2603
	6	7-14-2611
	7	7-14-2614
	8	7-14-2615
342	1	2-17-603
343	1	7-1-4202
344	1	69-3-332
	2	15-1-150
	3	76-2-1003
	4	15-1-101
	5	70-1-108
	6	Codification instruction
	7	Effective date
345	1	13-17-503
	2	Effective date
346	1	7-6-1501
	2	Effective date
	3	Applicability
347	1	7-21-3301
	2	50-49-202
	3	50-49-203
	4	50-50-102
	5	50-50-103
	6	50-50-121
348	1	20-1-401
	2	20-9-236
	3	52-2-211
	4	Effective date
349	1	37-15-401
	2	37-15-402
	3	37-15-202
	4	37-15-314
	5	Codification instruction
350	1	7-2-4211
351	1	60-5-110
352	1	33-18-251
	2	Codification instruction
353	1	75-6-130
	2	76-4-120
	3	75-6-104
	4	75-6-108
	5	76-3-507
	6	76-4-102
	7	Codification instruction
	8	Effective date
354	1	76-4-136
	2	Codification instruction
	3	Effective date
355	1	37-19-302
	2	37-19-304
	3	Severability
	4	Effective date
356	1	33-18-242
	2	33-28-207
357	1	7-1-111
358	1	67-11-211
359	1	16-3-312
	2	16-4-208
360	1	31-4-101
	2	31-4-102
	3	31-4-103
	4	31-4-104
	5	31-4-107
	6	31-4-108
	7	31-4-118
	8	31-4-112
	9	31-4-120
	10	31-4-125
	11	31-4-119
	12	Codification instruction
	13	Severability
	14	Effective date
	15	Applicability
361	1	39-2-307
	2	39-2-904
362	1	30-11-717
	2	30-11-718
	3	30-11-719
	4	30-11-720
	5	61-4-201
	6	61-4-202
	7	61-4-208
	8	Codification instruction
	9	Effective date
	10	Severability
	11	Applicability
363	1	7-1-206
	2	Codification instruction
	3	Effective date
	4	Applicability
364	1	50-5-106
	2	50-5-112
	3	50-5-121
	4	50-5-245
	5	Transition
365	1	2-4-302
	2	2-6-1102
	3	2-17-505
	4	2-17-506
	5	2-17-512
	6	2-17-513
	7	2-17-514
	8	2-17-515
	9	2-17-516
	10	2-17-521
	11	2-17-523
	12	2-17-524
	13	2-17-526
	14	2-17-532
	15	2-17-533
	16	2-17-534
	17	2-17-546
	18	2-17-551
	19	2-17-552
	20	2-17-1101
	21	2-17-1102
	22	2-17-1103
	23	2-18-101

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	24	7-22-2151
	25	10-3-106
	26	61-3-346
	27	61-3-347
	28	61-11-105
	29	75-10-805
	30	87-1-272
366	1	37-1-109
	2	37-7-1513
	3	37-33-501
	4	37-60-301
	5	37-68-316
	6	37-69-310
	7	37-69-402
	8	37-72-101
	9	37-73-226
	10	Repealer
	11	Repealer
	12	Codification instruction
367	1	13-1-504
	2	Effective date
368	1	20-5-320
	2	20-5-321
	3	20-5-322
	4	20-5-323
	5	20-5-324
	6	20-9-141
	7	Effective date
	8	Applicability
369	1	50-1-101
	2	Effective date
370	1	20-4-109 (void — sec. 3, Ch. 721)
	2	Repealer
	3	Coordination instruction
	4	Effective date
371	1	16-4-205
	2	16-4-401 (replaced — sec. 13, Ch. 601)
372	1	30-22-104
	2	45-6-321
	3	30-22-101
	4	30-22-102
	5	Codification instruction
	6	Effective date
373	1	2-7-503
	2	2-7-517
374	1	10-3-802
	2	Sec. 5, Ch. 477, L. 2019
	3	Effective date
375	1	70-20-501
	2	70-20-502
	3	70-20-503
	4	70-20-504
	5	70-20-505
	6	37-51-102
	7	Codification instruction
376	1	50-4-1101
	2	50-4-1102
	3	50-4-1103
	4	50-4-1104
	5	50-4-1105
	6	50-4-1106
	7	50-4-1107
	8	37-1-308 (replaced — sec. 7, Ch. 381)
	9	50-20-111
	10	Codification instruction
	11	Severability
	12	Applicability
377	1	2-15-124
378	1	Sec. 22(2)(e), Ch. 401, L. 2021
	2	Sec. 5(2)(g), Ch. 551, L. 2021
	3	Reporting requirements
	4	Effective date
379	1	ARM 37.95.623
380	1	23-1-129
	2	Codification instruction
381	1	28-10-103
	2	37-1-308 (replaced — sec. 7, Ch. 381)
	3	37-1-316
	4	37-1-402
	5	37-1-410
	6	37-51-321
	7	Coordination instruction
382	1	41-3-212
	2	41-3-215
	3	41-3-201
	4	45-7-203 (void — sec. 4, Ch. 656)
	5	Codification instruction
383	1	70-25-102
	2	70-25-201
	3	70-25-202
	4	Saving clause
	5	Effective date
384	1	41-3-128
	2	41-3-427
	3	Effective date
385	1	Transparency reporting of emergency rental assistance program funds
	2	Effective date
	3	Termination
386	1	2-16-204
	2	Effective date
387	1	20-1-102
388	1	Bond election — impact on value (void — sec. 4, Ch. 653)
	2	15-10-425
	3	20-9-426 (replaced — sec. 5, Ch. 653)
	4	Codification instruction
	5	Effective date
	6	Applicability
389	1	50-20-104
	2	50-20-109
	3	Effective date
390	1	37-1-146
	2	20-4-127
	3	37-1-147
	4	37-1-145
	5	Codification instruction
	6	Coordination instruction
	7	Effective date
391	1	15-30-2361
	2	39-11-404
	3	Sec. 23, Ch. 550, L. 2021
	4	Sec. 24, Ch. 550, L. 2021

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	5	Repealer
	6	Effective date
	7	Retroactive applicability
392	1	50-20-801
	2	50-20-802
	3	50-20-803
	4	50-20-804
	5	50-20-805
	6	50-20-806
	7	50-20-807
	8	50-20-808
	9	Codification instruction
	10	Severability
	11	Effective date
393	1	39-1-102
	2	39-51-204
394	1	Repealer
	2	Effective date
395	1	13-2-206
	2	Effective date
396	1	2-3-103
	2	7-1-2121
	3	7-1-4127
	4	7-3-304
	5	7-3-503
	6	7-3-606
	7	20-3-322
	8	20-9-204
	9	20-20-105
397	1	61-3-227
	2	61-3-220
	3	Codification instruction
398	1	44-5-302
399	1	15-70-123
	2	15-70-124
	3	15-70-701
	4	15-70-702
	5	15-70-703
	6	15-70-704
	7	15-70-705
	8	15-70-706
	9	15-70-707
	10	15-70-711
	11	15-70-712
	12	15-70-713
	13	15-70-714
	14	15-70-715
	15	15-70-716
	16	15-70-717
	17	15-70-718
	18	Transition
	19	Effective date
400	1	19-2-403
	2	19-2-603
	3	19-2-803
	4	19-2-1005
	5	19-3-108
	6	19-3-318
	7	19-3-403
	8	19-3-511
	9	19-3-1015
	10	19-3-1211
	11	19-5-612
	12	19-6-612
	13	19-7-101
	14	19-7-612
	15	19-8-712
	16	19-9-904
	17	19-13-805
	18	19-17-112
	19	Effective dates
401	1	76-2-101
	2	76-2-118
	3	Codification instruction
	4	Effective date
	5	Applicability
402	1	1-2-117
	2	Codification instruction
403	1	37-24-401
	2	37-24-312
	3	Codification instruction
404	1	87-2-104
	2	87-2-504
	3	Effective date
405	1	37-7-1506
	2	46-4-123
	3	53-21-1101
406	1	50-5-1401
	2	50-5-1402
	3	50-5-1403
	4	50-5-1404
	5	Codification instruction
407	1	71-3-551
	2	Effective date
408	1	45-5-622(1)(b)
	2	Codification instruction
409	1	3-5-313
	2	3-5-311
	3	Codification instruction
	4	Applicability
410	1	26-1-1013
	2	Codification instruction
411	1	50-60-301
412	1	13-3-102
	2	Effective date
413	1	50-12-102
	2	50-12-103
	3	50-12-104
	4	50-12-105
	5	50-12-106
	6	50-12-107
	7	50-12-108
	8	50-12-109
	9	50-12-110
	10	Severability
	11	Two-thirds vote required
414	1	27-1-748
	2	Codification instruction
415	1	32-1-301
	2	32-1-322
	3	Effective date
416	1	46-4-501
	2	46-4-502
	3	Codification instruction
417	1	20-7-104 (void — sec. 8, Ch. 747)
418	1	18-2-501
	2	18-2-502
	3	18-2-503
	4	18-4-313
	5	Effective date
	6	Termination
419	1	33-18-218
	2	33-18-219
	3	Codification instruction
420	1	15-30-3005
	2	Effective date
421	1	69-3-207
	2	Effective date
422	1	69-12-101
	2	69-12-201
	3	69-12-205
	4	69-12-301
	5	69-12-314
	6	69-12-321
	7	69-12-322
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	9	69-12-324
	10	69-12-404
	11	69-12-406
	12	69-12-407
	13	69-12-502
	14	69-12-611
	15	Repealer
	16	Effective date
423	1	81-9-217
424	1	15-1-210
	2	15-1-402
	3	15-7-102
	4	15-7-111
	5	15-8-112
	6	15-15-102
	7	15-23-101
	8	15-23-103
	9	15-23-212
	10	Transition
	11	Applicability
425	1	22-1-230
	2	22-1-231
	3	Codification instruction
	4	Effective date
426	1	81-23-102
	2	Effective date
427	1	2-15-3112
428	1	2-15-3311
	2	85-1-901
	3	85-1-902
	4	85-1-903
	5	85-1-904
	6	85-1-905
	7	85-1-906
	8	85-1-907
	9	Repealer
	10	Codification instruction
	11	Effective date
	12	Termination
429	1	41-3-443
430	1	33-18-243
	2	33-18-242
	3	Codification instruction
	4	Saving clause
	5	Effective date
431	1	53-1-110
	2	Codification instruction
	3	Effective date
432	1	5-5-211
	2	5-5-215
	3	5-5-229
	4	5-5-234
	5	5-11-104
	6	5-12-202
	7	5-12-203
	8	5-13-202
	9	5-15-101
	10	5-16-101
	11	Effective date
433	1	3-1-611
	2	Repealer
	3	Codification instruction
	4	Effective date
	5	Applicability
434	1	35-30-103
	2	Codification instruction
435	1	7-1-117
	2	7-1-111
	3	50-60-203
	4	Codification instruction
	5	Effective date
436	1	27-1-703
	2	27-1-719
	3	Severability
	4	Effective date
	5	Applicability
437	1	76-14-112
438	1	7-1-111
	2	Effective date
439	1	2-6-1006
	2	2-6-1009
	3	Severability
440	1	2-2-102
	2	2-2-101
	3	2-2-103
	4	2-2-136
	5	2-2-144
	6	Severability
441	1	82-11-202
442	1	39-71-1401
443	1	16-3-213
	2	16-3-214
444	1	45-5-220
445	1	76-2-304
	2	76-2-309
	3	Effective date
446	1	26-1-802
447	1	7-4-2611
448	1	76-3-203
	2	Effective date
449	1	45-8-201
	2	45-8-205
	3	45-8-206
450	1	75-1-201
	2	Appropriation
	3	Severability
	4	Coordination instruction
	5	Effective date
451	1	75-20-301
	2	Effective date
452	1	25-7-105
453	1	72-3-1101
454	1	Repealer
	2	Effective date
455	1	20-25-421
456	1	60-2-244
	2	80-7-1203
457	1	37-15-303
	2	Effective date
458	1	35-2-129
	2	72-38-1103
	3	Codification instruction
459	1	60-1-241
	2	Codification instruction
	3	Effective date
460	1	3-1-1105
	2	3-1-1106
	3	3-1-1121
	4	3-1-1123
	5	3-1-1124
	6	3-1-1126
	7	Repealer
	8	Severability
461	1	87-1-214
	2	Effective date
462	1	13-10-202
463	1	33-22-312
	2	33-22-129
	3	33-35-306
	4	Codification instruction
	5	Effective date
	6	Applicability
464	1	61-3-301
465	1	40-4-219
	2	45-2-101
	3	46-23-502 (void — sec. 9, Ch. 643)
466	1	87-2-603
	2	Effective date
467	1	87-1-207

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468	1	5-7-106
	2	Codification instruction
	3	Effective date
469	1	46-6-507
	2	Effective date
470	1	20-4-120
	2	20-4-104
	3	Codification instruction
	4	Effective date
471	1	7-32-2257
	2	7-32-2258
	3	Unfunded mandate laws superseded
	4	Codification instruction
472	1	82-4-255
	2	82-4-251
	3	82-4-252
	4	Codification instruction
	5	Severability
	6	Effective date
	7	Applicability
473	1	70-22-211
	2	70-22-201
	3	70-22-203
	4	70-22-205
	5	70-22-206
	6	70-22-207
	7	Codification instruction
474	1	45-8-321
475	1	15-36-303
	2	Effective date
	3	Applicability
476	1	13-1-209
	2	Effective date
477	1	20-7-307
	2	39-3-406
	3	Codification instruction
	4	Effective date
478	1	76-13-418
	2	Codification instruction
	3	Effective date
479	1	28-2-724
	2	Codification instruction
	3	Effective date
480	1	61-8-309
481	1	25-1-1104
	2	37-1-401
	3	37-60-101
	4	37-60-103
	5	37-60-104
	6	37-60-105
	7	37-60-202
	8	37-60-301
	9	37-60-303
	10	37-60-304
	11	37-60-314
	12	37-60-320
	13	37-60-403
	14	37-60-404
	15	37-60-405
	16	37-60-407
	17	37-60-411
	18	45-8-338
	19	Repealer
482	1	37-56-101
	2	37-56-102
	3	37-56-103
	4	37-56-104 (replaced — sec. 2, Ch. 609)
	5	37-56-105
	6	37-56-106
	7	37-56-107
	8	37-56-108
	9	2-15-1757 (void — sec. 45, Ch. 620)
	10	37-1-401
	11	37-51-102
	12	37-51-103
	13	37-51-204
	14	37-51-313
	15	37-51-321
	16	37-51-324
	17	Repealer
	18	Codification instruction
483	1	37-1-401
	2	37-15-102
	3	37-15-103
	4	37-16-102
	5	37-16-103
	6	37-16-202
	7	37-16-301
	8	37-16-303
	9	37-16-402
	10	37-16-408
	11	37-16-411
	12	Repealer
484	1	37-1-401
	2	37-40-101
	3	37-40-203
	4	37-40-302
	5	37-40-312
	6	Repealer
485	1	27-1-723
	2	Codification instruction
	3	Saving clause
486	1	33-17-241
	2	33-17-242
	3	Effective date
487	1	87-2-714
	2	87-2-115
	3	Codification instruction
	4	Effective date
488	1	53-6-197
	2	53-4-1005
	3	Codification instruction
	4	Effective date
489	1	18-3-110
	2	18-4-132
	3	18-4-303
	4	18-4-304
	5	18-4-307
	6	Effective date
490	1	50-20-1001
	2	50-20-1002
	3	50-20-1003
	4	50-20-1004
	5	50-20-1005
	6	50-20-1006
	7	50-20-1007
	8	Direction to department
	9	Codification instruction
	10	Severability
	11	Effective dates
491	1	17-8-108
	2	Appropriation
	3	Codification instruction
	4	Effective date
492	1	50-20-901
	2	50-20-902
	3	50-20-903
	4	50-20-904
	5	50-5-101
	6	Codification instruction

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493	1	15-30-2321
	2	15-30-2303
	3	Codification instruction
	4	Effective date
	5	Retroactive applicability
	6	Termination
494	1	5-12-301
	2	5-12-501
	3	Repealer
	4	Effective date
495	1	2-16-102
	2	Effective date
496	1	5-11-210
	2	5-11-222
	3	17-5-1650
497	1	3-1-702
498	1	52-2-805
	2	52-2-810
499	1	76-2-304
	2	76-2-309
	3	Effective date
	4	Retroactive applicability
500	1	76-25-101
	2	76-25-102
	3	76-25-103
	4	76-25-104
	5	76-25-105
	6	76-25-106
	7	76-25-201
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	9	76-25-203
	10	76-25-206
	11	76-25-207
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	15	76-25-214
	16	76-25-215
	17	76-25-216
	18	76-25-301
	19	76-25-302
	20	76-25-303
	21	76-25-304
	22	76-25-305
	23	76-25-306
	24	76-25-307
	25	76-25-401
	26	76-25-402
	27	76-25-403
	28	76-25-404
	29	76-25-408
	30	76-25-409
	31	76-25-410
	32	76-25-411
	33	76-25-412
	34	76-25-413
	35	76-25-502
	36	76-25-501
	37	76-25-503
	38	76-25-504
	39	Repealer
	40	Codification instruction
	41	Effective date
	42	Applicability
501	1	76-2-302
502	1	76-2-345
	2	Codification instruction
	3	Effective date
503	1	30-14-158
	2	Codification instruction
	3	Severability
	4	Contingent voidness
	5	Effective date
504	1	44-1-613
	2	Codification instruction
	3	Effective date
505	1	39-9-301
	2	39-71-419
	3	39-71-507
	4	Effective date
506	1	41-5-114
	2	40-4-204
	3	40-5-303
	4	40-5-601
	5	40-5-701
	6	41-5-103
	7	41-5-132
	8	41-5-1304
	9	41-5-1412
	10	41-5-1501
	11	41-5-1503
	12	41-5-1511
	13	41-5-1512
	14	41-5-1513
	15	41-5-1703
	16	Repealer
	17	Codification instruction
507	1	37-47-303
	2	37-47-304
	3	40-5-701
	4	76-17-102
	5	77-1-801
	6	77-1-802
	7	77-1-804
	8	77-1-815
	9	81-7-123
	10	87-1-266
	11	87-1-506
	12	87-2-106
	13	87-2-201
	14	87-2-202
	15	87-2-204
	16	87-2-403
	17	87-2-519
	18	87-2-525
	19	87-2-801
	20	87-2-803
	21	87-2-805
	22	87-2-815
	23	87-2-816
	24	87-2-817
	25	87-2-818
	26	87-6-302
	27	87-6-303
	28	Appropriation
	29	Effective date
508	1	3-6-103
509	1	46-18-201
	2	46-18-231
	3	46-18-241
	4	46-18-251
	5	Saving clause
	6	Applicability
510	1	20-6-801
	2	20-6-802
	3	20-6-803
	4	20-6-804
	5	20-6-805
	6	20-6-806
	7	20-6-807
	8	20-6-808
	9	20-6-809
	10	20-6-810
	11	20-6-811
	12	20-6-812
	13	20-6-813
	14	20-6-814
	15	Transition
	16	Codification instruction
	17	Effective date
511	1	52-2-721
512	1	75-5-403

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	2	Effective date
	3	Applicability
513	1	20-11-101
	2	20-11-102
	3	20-11-103
	4	20-11-106
	5	20-11-107
	6	20-11-108
	7	20-11-109
	8	20-11-110
	9	20-11-111
	10	20-11-112
	11	20-11-116
	12	20-11-117
	13	20-11-118
	14	20-11-119
	15	20-11-124
	16	20-11-125
	17	20-11-126
	18	Transition
	19	Codification instruction
	20	Severability
	21	Effective date
514	1	5-12-209
	2	Codification instruction
	3	Effective date
515	1	20-9-324
	2	Effective date
516	1	39-2-221
	2	50-16-805
	3	Codification instruction
	4	Termination
517	1	33-17-1401
	2	33-17-1402
	3	33-17-1404
	4	33-17-1405
	5	33-17-1406
	6	33-17-1407
	7	33-17-1408
	8	Codification instruction
518	1	Department to amend rules and circular
	2	Effective date
519	1	10-4-304
	2	Effective date
520	1	33-22-316
	2	2-18-704
	3	33-22-129
	4	33-35-306
	5	Codification instruction
	6	Effective date
521	1	52-2-903
	2	52-2-904
	3	52-2-902
	4	20-7-404
	5	52-2-901
	6	Codification instruction
	7	Effective date
	8	Termination
522	1	61-3-201
	2	Effective date
523	1	49-1-208
	2	49-1-209
	3	49-1-210
	4	Codification instruction
	5	Severability
524	1	82-4-229
	2	82-4-203
	3	82-4-221
	4	82-4-225
	5	Codification instruction
	6	Contingent Termination
525	1	30-14-1301
	2	30-14-1302
	3	30-14-1303
	4	30-14-1305
	5	33-1-102
	6	Codification instruction
526	1	45-8-312
	2	45-8-328
	3	45-8-330
	4	45-8-356
	5	Codification instruction
	6	Effective date
527	1	40-6-701
	2	40-6-702
	3	40-6-707
	4	41-1-402
	5	41-1-403
	6	41-1-405
	7	41-1-407
	8	Repealer
	9	Codification instruction
	10	Effective date
528	1	61-9-436
	2	Codification instruction
529	1	15-8-111
	2	Effective date
	3	Retroactive applicability
530	1	46-18-203
531	1	44-4-408
	2	Interim study of POST council
	3	44-10-204
	4	Codification instruction
	5	Coordination instruction
	6	Effective date
	7	Termination
532	1	46-4-205
533	1	37-2-501
	2	37-2-502
	3	37-2-503
	4	37-2-504
	5	Codification instruction
	6	Severability
534	1	20-5-403
	2	20-5-405
	3	Effective date
535	1	69-3-714
	2	69-3-702
	3	Codification instruction
	4	Effective date
536	1	45-5-507
	2	Effective date
537	1	20-7-1201
	2	20-7-1203
	3	Appropriation
	4	Codification instruction
	5	Effective date
538	1	61-11-508
	2	Effective date
539	1	61-9-437
	2	61-9-522
	3	Codification instruction
540	1	61-3-321
	2	61-3-722
	3	Coordination instruction
	4	Effective date
541	1	85-1-605

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	2	85-1-613
	3	85-1-617
	4	Notification to tribal governments
	5	Effective date
542	1	46-9-108
543	1	45-9-101
	2	45-9-103
	3	46-18-222
	4	2-15-505
	5	Codification instruction
	6	Effective date
	7	Applicability
544	1	44-4-403
545	1	20-4-701
	2	20-4-702
	3	Appropriation
	4	Codification instruction
	5	Effective date
546	1	33-2-2501
	2	33-1-102
	3	Codification instruction
	4	Severability
	5	Termination
547	1	16-11-119
	2	Appropriation
	3	Effective date
	4	Applicability
548	1	5-11-209
	2	Effective date
549	1	76-3-201
	2	76-3-207
550	1	1-1-528
	2	Appropriation
	3	Codification instruction
	4	Effective date
551	1	41-5-216
552	1	61-5-113
	2	61-8-302
	3	61-8-715
	4	Appropriation
	5	Effective dates
553	1	76-2-412
	2	Appropriation
	3	Effective date
554	1	53-2-209
	2	Appropriation
	3	Codification instruction
	4	Effective date
555	1	82-11-111
	2	85-2-510
556	1	7-14-2103
	2	7-14-2134
	3	7-14-2135
	4	Appropriation
557	1	13-37-130
	2	13-37-208
	3	Repealer
	4	Appropriation
	5	Effective date
558	1	20-9-250
	2	15-30-3102
	3	15-30-3110
	4	15-30-3111
	5	17-7-502
	6	Sec. 23, Ch. 480, L. 2021
	7	Sec. 24, Ch. 480, L. 2021
	8	Repealer
	9	Codification instruction
	10	Effective date
	11	Applicability
	12	Termination
559	1	2-2-122
	2	2-2-102
	3	2-2-103
	4	2-2-121
	5	2-2-136
	6	13-35-226
	7	Codification instruction
	8	Coordination instruction
	9	Severability
560	1	50-60-203
561	1	85-2-306
	2	Effective date
	3	Retroactive applicability
562	1	61-3-573 (amended — sec. 4, Ch. 562)
	2	61-3-562
	3	Codification instruction
	4	Coordination instruction
	5	Effective date
563	1	15-30-2106
	2	15-30-2513
	3	15-30-2104
	4	15-30-2502
	5	15-30-2503
	6	15-30-2504
	7	15-30-2602
	8	Codification instruction
	9	Effective date
	10	Applicability
564	1	72-1-103
	2	72-3-607
	3	72-38-109
	4	72-38-110
	5	72-38-111
	6	72-38-411
565	1	16-1-303
	2	Effective date
566	1	82-4-341
	2	Repealer
	3	Effective date
567	1	61-8-385
	2	61-8-386
	3	61-8-387 (amended — sec. 14, Ch. 567)
	4	61-8-388
	5	61-8-389
	6	61-8-390
	7	61-8-301
	8	61-8-321
	9	61-8-715
	10	61-9-402
	11	61-9-431
	12	Repealer
	13	Codification instruction
	14	Coordination instruction
568	1	30-9A-525
	2	35-14-125
	3	35-14-140
	4	35-14-403
	5	Notification to tribal governments
	6	Effective date
569	1	15-36-303
	2	15-36-304
	3	Sec. 12, Ch. 559, L. 2021
	4	Sec. 13, Ch. 559, L. 2021
	5	Repealer

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	6	Effective dates
570	1	7-14-2134
	2	7-14-2136
	3	7-14-2137
571	1	20-9-537
	2	Transition
	3	Notification to tribal governments
	4	Effective date
572	1	7-1-111
	2	70-24-102
	3	70-33-102
	4	Effective date
573	1	Sec. 3, Ch. 137, L. 2021
	2	Effective date
574	1	20-7-1503
	2	20-7-1506
	3	Appropriation
	4	Coordination instruction
	5	Effective date
575	1	7-32-232
	2	Effective date
576	1	15-30-2359
	2	Sec. 7, Ch. 248, L. 2021
	3	Effective date
	4	Retroactive applicability
577	1	90-6-133
	2	Effective date
578	1	7-1-111
	2	50-60-203
579	1	Select committee on energy resource planning and acquisition — membership
	2	Select committee on energy resource planning and acquisition — duties
	3	Appropriation
	4	Effective dates
	5	Termination
580	1	20-1-101
	2	20-3-363
	3	20-7-118
	4	20-7-1601
	5	20-9-311
	6	Effective date
	7	Applicability
581	1	60-6-106
	2	60-6-101
	3	60-6-103
	4	60-6-104
	5	Codification instruction
582	1	13-15-101
	2	Effective date
583	1	15-6-301
	2	15-6-305
	3	15-6-311
	4	Applicability
584	1	7-32-2242
	2	Effective date
585	1	16-1-106
	2	16-4-111
	3	16-4-204
	4	Effective date
586	1	53-6-198
	2	Codification instruction
	3	Effective date — contingency
	4	Termination
587	1	5-12-601
	2	5-12-602
	3	5-5-211
	4	5-12-101
	5	5-12-301
	6	5-12-302
	7	Repealer
	8	Codification instruction
	9	Effective date
588	1	70-9-802
	2	70-9-803
	3	70-9-808
	4	70-9-809
	5	70-9-810
	6	70-9-812
	7	70-9-820
	8	70-9-827
	9	70-9-830
	10	Codification instruction
589	1	15-1-701
	2	Effective date
590	1	37-39-203 (replaced — sec. 34, Ch. 713)
	2	Licensure reciprocity for out-of-state applicants (void — secs. 34, 35, Ch. 713)
	3	Licensure reciprocity for out-of-state applicants (void — secs. 34, 35, Ch. 713)
	4	Licensure reciprocity for out-of-state applicants (void — secs. 34, 35, Ch. 713)
	5	Certification reciprocity for out-of-state applicants (void — secs. 34, 35, Ch. 713)
	6	37-1-304
	7	Codification instruction
591	1	16-3-101
	2	16-3-103
	3	16-3-104
	4	16-3-106
	5	16-3-230
	6	16-3-233
	7	16-3-243
	8	16-3-301
	9	16-3-306
	10	16-3-308
	11	16-3-316
	12	16-3-401
	13	16-3-411
	14	16-6-314
	15	Effective date
592	1	33-17-1601
	2	33-17-1602
	3	46-6-508
	4	33-17-212
	5	33-26-108
	6	46-9-401
	7	46-9-510
	8	Codification instruction

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	9	Severability
	10	Coordination instruction
	11	Effective dates
593	1	7-13-2231
	2	7-13-2232
	3	7-13-2230
	4	7-13-2233
	5	7-13-2234
	6	7-13-2259
	7	7-13-2262
	8	Repealer
	9	Codification instruction
	10	Effective date
594	1	2-15-217
	2	90-1-105
	3	90-1-132
	4	90-1-134
	5	90-1-135
	6	90-11-101
	7	90-11-102
	8	Repealer
	9	Appropriation
	10	Notification to tribal governments
	11	Effective date
595	1	Appropriation for Montana coal endowment program grants
	2	Approval of grants — completion of biennial appropriation
	3	Condition of grants — disbursements of funds
	4	Other powers and duties of department
	5	Appropriation from Montana coal endowment special revenue account for emergency grants
	6	Appropriation from Montana coal endowment special revenue account for infrastructure planning grants
	7	Appropriation from Montana coal endowment regional water system special revenue account
	8	Approval of funds — completion of appropriation
	9	Conditions — manner of disbursement of funds
	10	Notification to tribal governments
	11	Effective date
596	1	Appropriation of cultural and aesthetic grant funds — priority of disbursement
	2	Appropriation of cultural and aesthetic grant funds
	3	Reversion of grant money
	4	Changes to grants on pro rata basis
	5	Effective date
597	1	Appropriations for reclamation and development grants
	2	Coordination of fund sources for grants to political subdivisions and local governments
	3	Conditions of grants
	4	Other appropriations
	5	Approval of grants — completion of biennial appropriation
	6	Notification to tribal governments
	7	Coordination instruction
	8	Severability
	9	Effective date
598	1	23-5-602
	2	23-5-610
	3	Effective date
	4	Applicability
599	1	22-3-120
	2	Appropriation
	3	Notification to tribal governments
	4	Codification instruction
	5	Effective date
	6	Termination
600	1	33-22-155
	2	33-22-101
	3	33-31-111
	4	33-35-306
	5	Codification instruction
	6	Effective date
	7	Applicability
601	1	16-3-213
	2	16-3-214
	3	16-3-241
	4	16-3-242
	5	16-3-244
	6	16-3-311
	7	16-3-411
	8	16-4-105
	9	16-4-201
	10	16-4-311
	11	16-4-401 (replaced — sec. 13, Ch. 601)
	12	16-4-420
	13	Coordination instruction

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	14	Saving clause
	15	Effective date
602	1	50-5-234
	2	15-66-101
	3	33-36-103
	4	40-6-402
	5	50-5-101
	6	50-5-701
	7	50-5-1301
	8	50-16-103
	9	50-17-102
	10	Codification instruction
	11	Effective date
603	1	2-15-122 (replaced — sec. 9, Ch. 603)
	2	2-15-124
	3	5-2-301 (void — sec. 10, Ch. 603)
	4	19-20-202
	5	23-7-201
	6	37-43-201
	7	53-19-304
	8	87-1-251
	9	Coordination instruction
	10	Coordination instruction
	11	Effective date
604	1	3-5-124
	2	3-5-125
	3	3-5-126
	4	3-5-127
	5	3-5-901
	6	Codification instruction
	7	Severability
	8	Effective date
605	1	23-2-111
	2	23-2-112
	3	23-2-113
	4	23-2-636
	5	23-2-814
	6	Saving clause
	7	Effective date
606	1	20-7-106
	2	Appropriation
	3	Notification to tribal governments
	4	Effective date
607	1	2-15-116
	2	Codification instruction
	3	Effective date
608	1	20-7-1801
	2	20-7-1802
	3	20-7-1803
	4	20-7-1804
	5	20-5-101
	6	20-7-117
	7	20-9-311
	8	Appropriation
	9	Transition
	10	Codification instruction
	11	Effective dates
609	1	37-51-602
	2	Coordination instruction
	3	Effective date
610	1	7-3-412
611	1	75-6-121
	2	76-4-102
	3	76-4-104
	4	76-4-105
	5	76-4-114
	6	76-4-115
	7	76-4-116
	8	76-4-127
	9	Saving clause
	10	Nonseverability
	11	Applicability
612	1	61-5-208
613	1	61-8-351
614	1	50-5-110
	2	Codification instruction
615	1	41-3-431
	2	Codification instruction
	3	Effective date
	4	Applicability
616	1	20-7-1701
	2	20-7-1702
	3	20-7-1703
	4	20-7-1704
	5	20-7-1705
	6	20-7-1706
	7	20-7-1707
	8	20-7-1708
	9	20-7-1709
	10	20-7-1710
	11	17-7-502
	12	Appropriation
	13	Transition
	14	Codification instruction
	15	Severability
	16	Effective date
617	1	20-5-101
	2	20-5-102
	3	Effective date
	4	Applicability
618	1	Appropriations for renewable resource grants
	2	Coordination of fund sources for grants to political subdivisions and local governments
	3	Milk River repair and maintenance fund
	4	Authorization
	5	Loan contingency
	6	Condition of grants
	7	Appropriation established
	8	Approval of grants — completion of biennial appropriation
	9	Notification to tribal governments
	10	Transfer of funds
	11	Appropriation — contingency
	12	Coordination instruction
	13	Severability
	14	Effective date
619	1	15-70-801
	2	15-70-802
	3	15-70-803
	4	15-70-804
	5	15-70-805
	6	69-8-803
	7	Codification instruction
	8	Effective date

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620	1	37-1-123
	2	37-1-124
	3	2-8-401
	4	2-8-402
	5	2-15-1730 (amended — sec. 41, Ch. 620)
	6	2-15-1731 (amended — sec. 42, Ch. 620)
	7	2-15-1732
	8	2-15-1733
	9	2-15-1734
	10	2-15-1735
	11	2-15-1736
	12	2-15-1737
	13	2-15-1738
	14	2-15-1739
	15	2-15-1740 (void — sec. 43, Ch. 620)
	16	2-15-1741
	17	2-15-1742
	18	2-15-1743
	19	2-15-1744
	20	2-15-1747
	21	2-15-1748
	22	2-15-1749
	23	2-15-1750
	24	2-15-1751 (void — sec. 44, Ch. 620)
	25	2-15-1753
	26	2-15-1756
	27	2-15-1757 (amended — sec. 45, Ch. 620)
	28	2-15-1758
	29	2-15-1761
	30	2-15-1763
	31	2-15-1764
	32	2-15-1765
	33	2-15-1771
	34	2-15-1773
	35	2-15-1781 (void — sec. 46, Ch. 620)
	36	2-15-1782
	37	37-1-133
	38	Repealer
	39	Codification instruction
	40	Saving clause
	41	Coordination instruction
	42	Coordination instruction
	43	Coordination instruction
	44	Coordination instruction
	45	Coordination instruction
	46	Coordination instruction
	47	Saving clause
	48	Effective date
621	1	22-1-326
	2	22-1-327
	3	Sec. 5, Ch. 244, L. 2013
	4	Sec. 1, Ch. 340, L. 2017
	5	Notification to tribal governments
	6	Effective date
622	1	16-1-411
	2	16-2-201
	3	16-3-213
	4	16-3-302
	5	16-3-316
	6	16-3-411
	7	Effective date
623	1	85-20-1504
	2	Effective date
624	1	44-2-411
	2	Sec. 8, Ch. 373, L. 2019
	3	Sec. 3, Ch. 243, L. 2021
	4	Sec. 2, Ch. 268, L. 2021
	5	Transfer of funds
	6	Appropriation
	7	Notification to tribal governments
	8	Effective date
625	1	Appropriation
	2	Effective date
626	1	87-2-411
	2	Effective date
627	1	61-11-508
	2	61-11-510
	3	Effective date
628	1	37-2-603
	2	37-2-610
	3	37-1-401
	4	53-6-101
	5	53-6-402
	6	Codification instruction
	7	Coordination instruction
	8	Coordination instruction
	9	Effective date
	10	Termination
629	1	20-26-633
	2	20-26-634
	3	Codification instruction
	4	Termination
630	1	80-5-134
631	1	Department to amend rule
	2	82-4-203
	3	82-4-222
	4	Severability
	5	Contingent voidness
	6	Effective date
	7	Retroactive applicability
632	1	75-1-201 (void — sec. 4, Ch. 450)
	2	Effective date (void — sec. 4, Ch. 450)
	3	Applicability (void — sec. 4, Ch. 450)
633	1	41-5-1417
	2	Codification instruction
634	1	10-2-802
	2	10-2-803
	3	10-2-804
	4	10-2-805
	5	10-2-807
635	1	16-2-104
	2	16-2-111
	3	16-2-110
	4	16-2-203 (replaced — sec. 6, Ch. 635)
	5	Codification instruction

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	6	Coordination instruction
	7	Effective date
636	1	17-5-703
	2	17-6-407
	3	17-6-409
	4	39-11-205
	5	90-1-201
	6	90-1-202
	7	90-1-203
	8	90-1-204
	9	90-1-205
	10	Fund transfers to economic development state special revenue account
	11	Transfer of defederalized economic development funds
	12	Notification to tribal governments
	13	Effective date
637	1	Commemoration of Thomas Carter — special revenue account
	2	2-17-807
	3	2-17-808
	4	Appropriation
	5	Contingent voidness
	6	Effective date
638	1	15-6-143
	2	15-7-102
	3	15-7-111
	4	15-7-112
	5	15-44-103
	6	Effective date
	7	Retroactive applicability
639	1	46-14-304
640	1	20-3-324
	2	20-6-603
	3	20-6-621
	4	20-9-104
	5	20-9-141
	6	20-9-306
	7	20-9-353
	8	20-20-105
	9	Effective date
641	1	44-7-125
	2	44-7-126
	3	Projects for 2023-2024 interim
	4	53-1-217
	5	1-1-207
	6	5-12-303
	7	46-1-1103
	8	53-1-216
	9	Transition
	10	Appropriation
	11	Codification instruction
	12	Effective date
642	1	15-31-1003
	2	15-31-1005
	3	15-31-1006
	4	Applicability
643	1	46-23-502 (replaced — sec. 7, Ch. 643)
	2	46-23-504
	3	46-23-505
	4	46-23-506
	5	46-23-508
	6	46-23-509
	7	Coordination instruction
	8	Coordination instruction
	9	Coordination instruction
644	1	15-6-135
	2	15-24-1401
	3	20-9-407
	4	Repealer
645	1	16-3-103
	2	16-4-203
	3	16-4-207
	4	16-4-212
	5	16-4-213
	6	16-4-301 (replaced — sec. 2, Ch. 733)
646	1	Entry-level driver training — requirements — responsibilities of department of transportation (void — sec. 6, Ch. 744)
	2	61-5-110
	3	61-14-202
	4	Codification instruction
	5	Effective dates — contingency
	6	Applicability
647	1	13-27-110
	2	13-27-212
	3	13-27-213
	4	13-27-214
	5	13-27-216
	6	13-27-217
	7	13-27-218
	8	13-27-219
	9	13-27-220
	10	13-27-225
	11	13-27-226
	12	13-27-227
	13	13-27-228
	14	13-27-233
	15	13-27-243
	16	13-27-601
	17	5-5-215
	18	5-11-105
	19	7-5-132
	20	7-7-2224
	21	7-14-204
	22	13-27-102
	23	13-27-103
	24	13-27-105
	25	13-27-112
	26	13-27-201 (renumbered 13-27-236)
	27	13-27-204 (renumbered 13-27-238)
	28	13-27-205 (renumbered 13-27-240)
	29	13-27-206 (renumbered 13-27-242)
	30	13-27-207 (renumbered 13-27-241)
	31	13-27-209 (renumbered 13-27-246)
	32	13-27-210 (renumbered 13-27-611)

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	33	13-27-211 (renumbered 13-27-239)
	34	13-27-301
	35	13-27-303
	36	13-27-304
	37	13-27-308
	38	13-27-311
	39	13-27-316 (renumbered 13-27-605)
	40	13-27-317 (renumbered 13-27-606)
	41	13-27-401
	42	13-27-402
	43	13-27-403
	44	13-27-406
	45	13-27-407
	46	13-27-409
	47	13-27-410
	48	13-27-501
	49	13-27-502
	50	13-27-503
	51	13-27-504
	52	13-37-126
	53	13-37-201
	54	13-37-228
	55	30-18-103
	56	Repealer
	57	Directions to code commissioner
	58	Saving clause
	59	Codification instruction
	60	Effective date
	61	Severability
	62	Applicability
648	1	53-24-310
	2	53-24-311
	3	53-24-312
	4	53-24-313
	5	53-24-314
	6	46-23-1041
	7	Codification instruction
	8	Legislative intent for department of justice enforcement
	9	Effective date
649	1	46-1-202
	2	46-13-108
	3	46-18-502
650	1	15-30-2120
	2	Effective dates
	3	Applicability
	4	Termination
651	1	41-3-205
	2	41-3-1214
	3	Effective date
652	1	16-11-102
	2	16-11-111
	3	Effective date
	4	Applicability
653	1	7-7-111 (amended — sec. 4, Ch. 653)
	2	20-9-426 (replaced — sec. 5, Ch. 653)
	3	Codification instruction
	4	Coordination instruction
	5	Coordination instruction
	6	Applicability
654	1	61-9-417
655	1	41-3-425
656	1	41-3-203
	2	41-3-207
	3	45-7-203
	4	Coordination instruction
	5	Effective date
657	1	41-3-131(2) (replaced — sec. 4, Ch. 657)
	2	Transition
	3	Codification instruction
	4	Coordination instruction
	5	Effective date
658	1	27-1-221
	2	Effective date
	3	Applicability
659	1	Task force on dependency and neglect court system
	2	Task force duties
	3	Appropriation
	4	Contingent voidness
	5	Effective dates
	6	Termination
660	1	50-60-203
	2	Effective date
661	1	16-4-312
	2	Transition
662	1	76-13-102
	2	76-13-112
	3	76-13-203
	4	76-13-214
	5	Effective date
663	1	61-3-344
	2	61-3-302
	3	61-3-303
	4	61-3-479
	5	Codification instruction
664	1	26-2-506
	2	Appropriation
	3	Effective date
665	1	70-17-210
	2	27-2-202
	3	Codification instruction
	4	Effective date
666	1	45-5-702 (replaced — sec. 5, Ch. 666)
	2	45-5-703 (replaced — sec. 7, Ch. 666)
	3	45-5-704
	4	45-5-705 (replaced — sec. 8, Ch. 666)
	5	Coordination instruction
	6	Coordination instruction
	7	Coordination instruction
	8	Coordination instruction
	9	Coordination instruction
	10	Effective date
667	1	5-2-107
	2	Codification instruction
	3	Effective date
	4	Applicability
668	1	87-3-602
	2	87-3-604
	3	Effective date
669	1	2-15-2040
	2	2-15-2041

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	3	2-15-2042
	4	2-15-2043
	5	2-15-2044
	6	2-15-2045
	7	2-18-704
	8	15-30-2110
	9	15-30-2120
	10	25-13-608
	11	Unfunded mandate laws superseded
	12	Effective date
	13	Transfer of funds
	14	Appropriation
	15	Codification instruction
	16	Retroactive applicability
670	1	87-5-301
	2	87-6-106
671	1	13-38-203
	2	13-38-205
	3	Effective date
672	1	15-6-302
	2	Applicability
673	1	76-3-622
	2	76-4-102
	3	76-4-104
	4	Effective date
674	1	41-3-450 (amended — sec. 11, Ch. 674)
	2	41-3-451
	3	41-3-101
	4	41-3-423
	5	41-3-438
	6	41-3-440
	7	41-3-444
	8	41-3-445
	9	Repealer
	10	Codification instruction
	11	Coordination instruction
675	1	7-6-4020
	2	7-6-4030
	3	Effective date
	4	Applicability
676	1	Interim review of child protective services — work group
	2	Interim committee and work group duties
	3	Notification to tribal governments
	4	Appropriation
	5	Contingent voidness
	6	Effective dates
	7	Termination
677	1	30-14-160
	2	Codification instruction
678	1	2-6-1202
	2	2-6-1205
	3	7-5-4124
679	1	81-4-203
	2	81-4-208
680	1	33-32-221
	2	Codification instruction
	3	Effective date
	4	Applicability
681	1	30-14-2801
	2	30-14-2802
	3	30-14-2803
	4	30-14-2804
	5	30-14-2808
	6	30-14-2809
	7	30-14-2812
	8	30-14-2813
	9	30-14-2814
	10	30-14-2815
	11	30-14-2816
	12	30-14-2817
	13	Codification instruction
	14	Effective date
	15	Termination
682	1	13-37-203
	2	13-37-226
	3	13-37-229
	4	13-37-232
683	1	2-18-101
	2	2-18-104
684	1	44-4-402
	2	Effective date
685	1	1-1-201
	2	2-18-208
	3	7-15-4207
	4	7-34-2123
	5	13-27-408
	6	13-35-301
	7	13-38-201
	8	20-7-1306
	9	20-9-327
	10	20-25-501
	11	20-25-707
	12	22-2-306
	13	33-1-201
	14	35-20-209
	15	39-2-912
	16	40-1-107
	17	40-1-401
	18	40-5-907
	19	40-5-1031
	20	41-5-103
	21	42-2-204
	22	45-5-625
	23	46-19-301
	24	46-19-401
	25	46-32-105
	26	49-1-102
	27	49-2-101
	28	49-3-101
	29	50-5-105
	30	50-5-602
	31	50-11-101
	32	50-15-101
	33	50-19-103
	34	50-60-214
	35	53-20-142
	36	53-21-121
	37	53-21-142
	38	60-5-514
	39	60-5-522
	40	61-5-107
	41	72-1-103
	42	Severability
686	1	61-5-107
	2	61-5-110
	3	61-5-201
	4	61-11-101
	5	61-12-501
	6	61-12-504
687	1	5-5-106
	2	5-5-101 (renumbered 5-5-107)
	3	5-5-102 (renumbered 5-5-108
	4	5-5-103 (renumbered 5-5-109)
	5	5-5-405

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	6	Codification instruction
	7	Effective date
688	1	13-2-220
	2	13-19-313
	3	Effective date
689	1	7-15-4286
	2	71-3-1506
	3	Effective date
690	1	15-30-2328
	2	15-30-2329
	3	15-31-161
	4	15-31-162
	5	Repealer
	6	Effective dates
691	1	15-1-222
	2	15-2-201
	3	15-2-301
	4	15-2-302
	5	15-2-303
	6	15-7-102
	7	15-7-105
	8	15-7-106
	9	15-15-101
	10	15-15-103
	11	15-16-102
	12	Saving clause
	13	Severability
	14	Effective date
	15	Applicability
692	1	15-6-157
	2	15-6-158
	3	15-24-1402
	4	15-24-3102
	5	15-24-3111
	6	Applicability
693	1	40-6-703
	2	40-6-708
	3	20-3-326 (amended — sec. 7, Ch. 693)
	4	20-5-103
	5	25-1-202
	6	Codification instruction
	7	Coordination instruction
	8	Effective dates
694	1	60-4-501
	2	60-4-601
	3	Effective date
695	1	15-6-138
	2	Applicability
696	1	90-1-602
	2	90-1-603
	3	90-1-604
	4	90-1-605
	5	90-1-606
	6	90-1-607
	7	90-1-608
	8	90-1-609
	9	Sec. 13, Ch. 449, L. 2021
	10	Saving clause
	11	Notification to tribal governments
	12	Effective date
697	1	23-4-105
	2	Repealer
	3	Effective date
698	1	15-70-132
	2	Distribution of funds for city road maintenance — appropriation
	3	17-7-502
	4	Transfer of funds
	5	Codification instruction
	6	Coordination instruction
	7	Effective date
699	1	90-1-122
	2	15-65-121
	3	Transfer of funds
	4	Codification instruction
700	1	30-14-159
	2	Codification instruction
	3	Effective date
701	1	15-30-2113
	2	15-30-2120
	3	15-30-2318
	4	15-30-2522
	5	15-30-3312
	6	15-31-1003
	7	15-61-102
	8	15-61-202
	9	15-63-201
	10	50-4-107
	11	Effective dates
	12	Retroactive applicability
702	1	15-30-3325
	2	15-30-3326
	3	15-30-3327
	4	15-30-3328
	5	15-30-2110
	6	15-30-2120
	7	Codification instruction
	8	Effective dates
	9	Retroactive applicability
703	1	75-1-201
	2	Severability
	3	Effective date
704	1	30-14-228
	2	Codification instruction
705	1	27-1-736
	2	37-3-203
	3	37-3-802
	4	37-3-803
	5	37-3-804
	6	37-3-805
	7	37-3-808
	8	Effective date
	9	Codification instruction
	10	Applicability
706	1	20-7-320
	2	Appropriation
	3	Effective date
707	1	Time limits
	2	Appropriations
	3	Effective date
708	1	Authorization to provide loans
	2	Projects not completing requirements — projects reauthorized
	3	Authorization to provide loan
	4	Coal severance tax bonds authorized
	5	Conditions of loans
	6	Private and discount purchase of loans
	7	Appropriations established

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	8	Creation of state debt — two-thirds vote required — appropriation of coal severance tax — three-fourths vote required — bonding provisions
	9	Notification to tribal governments
	10	Severability
	11	Effective date
709	1	Definitions
	2	Appropriations and authorizations
	3	Judicial branch information technology capital projects appropriation
	4	Department of justice information technology capital projects appropriation
	5	Montana university system/university of Montana technology capital project appropriation
	6	Transfer of funds
	7	Severability
	8	Effective date
710	1	22-3-1305
	2	22-3-1306
	3	Sec. 1(2), Ch. 467, L. 2021
	4	Appropriation for Montana historic grant program
	5	Supplemental appropriations
	6	Approval of grants — completion of biennial appropriation
	7	Condition of grants — disbursement of funds
	8	Other powers and duties of the department of commerce
	9	Notification to tribal governments
	10	Effective date
	11	Termination
711	1	41-3-301
	2	41-3-306
	3	41-3-307
	4	41-3-427
	5	Sec. 8, Ch. 529, L. 2021
	6	Appropriation
	7	Notification to tribal governments
	8	Effective dates
712	1	5-11-222
	2	15-64-101
	3	16-12-102 (void — sec. 12, Ch. 743)
	4	16-12-104
	5	16-12-106
	6	16-12-108
	7	16-12-109
	8	16-12-110
	9	16-12-125
	10	16-12-129
	11	16-12-201 (void — sec. 11, Ch. 743)
	12	16-12-202
	13	16-12-203
	14	16-12-206
	15	16-12-207
	16	16-12-208
	17	16-12-209
	18	16-12-210
	19	16-12-222
	20	16-12-223 (void — sec. 10, ch. 743)
	21	16-12-225
	22	16-12-226
	23	16-12-301
	24	16-12-302
	25	16-12-310
	26	16-12-311
	27	16-12-508
	28	20-1-220
	29	Repealer
	30	Appropriation
	31	Transition
	32	Notification to tribal governments
	33	Effective dates
713	1	37-39-101
	2	37-39-102
	3	37-39-103
	4	37-39-201
	5	37-39-202
	6	37-39-301
	7	37-39-302
	8	37-39-303
	9	37-39-307
	10	37-39-308 (amended — sec. 3, Ch. 726)
	11	37-39-309
	12	37-39-310 (amended — sec. 2, Ch. 756)
	13	37-39-311
	14	37-39-312
	15	20-4-502
	16	20-9-327
	17	27-1-1101
	18	33-30-1019
	19	33-30-1020
	20	37-1-401
	21	37-17-104
	22	41-3-127
	23	45-5-231
	24	45-5-501
	25	45-5-601
	26	45-5-709
	27	53-6-101
	28	53-21-102
	29	53-21-1202
	30	Repealer
	31	Codification instruction

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	32	Coordination instruction
	33	Coordination instruction
	34	Coordination instruction
	35	Coordination instruction
714	1	16-12-104
	2	16-12-224
715	1	70-24-424
	2	70-24-427
	3	70-24-429
	4	70-33-424
	5	70-33-427
	6	70-33-429
	7	Effective date
716	1	41-3-1301
	2	41-3-1302
	3	41-3-1303
	4	41-3-1306
	5	41-3-1307
	6	41-3-1310
	7	41-3-1311
	8	41-3-1312
	9	41-3-1316
	10	41-3-1317
	11	41-3-1318
	12	41-3-1319
	13	41-3-1320
	14	41-3-1325
	15	41-3-1326
	16	41-3-1327
	17	41-3-1328
	18	41-3-1329
	19	40-6-405
	20	40-6-407
	21	40-6-413
	22	40-6-414
	23	40-6-1001
	24	40-7-135
	25	41-3-102
	26	41-3-103
	27	41-3-109
	28	41-3-128
	29	41-3-205
	30	41-3-301
	31	41-3-306
	32	41-3-307
	33	41-3-422
	34	41-3-423
	35	41-3-425
	36	41-3-427
	37	41-3-432
	38	41-3-437
	39	41-3-444
	40	41-3-609
	41	42-2-102
	42	42-2-604
	43	42-4-102
	44	42-4-103
	45	42-4-203
	46	42-4-209
	47	42-5-101
	48	42-5-107
	49	47-1-104 (replaced — sec. 53, Ch. 716)
	50	52-2-117
	51	Notification to tribal governments
	52	Codification instruction
	53	Coordination instruction
	54	Effective dates
	55	Termination
717	1	17-5-703
	2	76-15-108
	3	90-6-138
	4	90-6-1001
	5	Transfer of funds
	6	Appropriation
	7	Codification instruction
	8	Effective date
718	1	20-1-501
	2	20-1-502
	3	20-1-503
	4	20-9-329
	5	Notification to tribal governments
	6	Effective date
	7	Applicability
719	1	45-8-117
	2	45-8-118
	3	20-7-135
	4	27-1-521
	5	Codification instruction
	6	Severability
	7	Effective date
720	1	44-7-110
	2	Appropriation
	3	Coordination instruction
	4	Effective dates
721	1	20-4-109
	2	Transition
	3	Coordination instruction
	4	Effective date
722	1	10-3-312
	2	17-7-102 (replaced — sec. 18, Ch. 722)
	3	17-7-130 (replaced — sec. 19, Ch. 722)
	4	17-7-140 (replaced — sec. 20, Ch. 722)
	5	17-7-209
	6	17-7-133
	7	17-7-502
	8	17-7-134
	9	Transfer of funds
	10	Study of state budget process and personal services expenditures — appropriation
	11	Sec. 1(2), Ch. 476, L. 2019
	12	Sec. 13, Ch. 476, L. 2019
	13	Reporting on appropriations for operation of state health care facilities by department of public health and human services
	14	Appropriations
	15	Sec. 2(2), Ch. 499, L. 2005
	16	Severability
	17	Codification instruction

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	18	Coordination instruction
	19	Coordination instruction
	20	Coordination instruction
	21	Coordination instruction (void — sec. 5, Ch. 740)
	22	Coordination instruction
	23	Effective date
	24	Termination
723	1	45-10-103
	2	61-8-1002
	3	Effective date
724	1	20-7-335
	2	20-1-101
	3	Codification instruction
725	1	15-36-303
	2	15-36-304
	3	Sec. 12, Ch. 559, L. 2021
	4	Sec. 13, Ch. 559, L. 2021
	5	Repealer
	6	Effective dates
726	1	37-22-307 (void — sec. 3, Ch. 726)
	2	37-22-308 (void — sec. 3, Ch. 726)
	3	Coordination instruction
727	1	Study of private ponds
	2	Appropriation
	3	Contingent voidness
	4	Effective date
	5	Termination
728	1	16-1-106 (void — sec. 7, Ch. 728)
	2	16-3-301
	3	16-3-302 (replaced — sec. 8, Ch. 728)
	4	16-3-311 (replaced — sec. 12, Ch. 749)
	5	16-4-312
	6	Transition
	7	Coordination instruction
	8	Coordination instruction
	9	Effective date
729	1	Highway patrol officers' retirement system appropriation
	2	Sheriffs' retirement system appropriation
	3	Game wardens' and peace officers' retirement system
	4	15-10-420
	5	17-7-502
	6	19-2-405
	7	19-2-409
	8	19-5-404
	9	19-6-404
	10	19-6-501
	11	19-7-403
	12	19-7-404
	13	19-7-501
	14	19-8-504
	15	Severability
	16	Effective date
730	1	87-2-513
	2	Effective date
731	1	39-51-2204
	2	Effective date
	3	Applicability
732	1	80-11-225
	2	Codification instruction
	3	Effective date
733	1	16-4-301 (replaced — sec. 2, Ch. 733)
	2	Coordination instruction
734	1	15-16-122
	2	15-16-102
	3	15-16-103
	4	Appropriation
	5	Codification instruction
	6	Applicability
735	1	Medicaid and 24/7 facility contingency fund
	2	Transfer of funds
	3	Appropriations
	4	Effective date
	5	Termination
736	1	23-2-408
	2	23-2-409
737	1	Commemoration of Charles S. Johnson — special revenue account
	2	2-17-807
	3	2-17-808
	4	Appropriation
	5	Contingent voidness
	6	Effective date
738	1	10-2-108
	2	16-11-119
	3	Emergency declaration related to inmate housing
	4	Transfer of funds
	5	Effective date
739	1	Behavioral health system for future generations commission
	2	Commission — meetings — recommendations
	3	50-1-119
	4	Rulemaking
	5	Legislative finance committee rule review
	6	Repealer
	7	Transfer of funds
	8	Appropriation
	9	Appropriation for capital projects

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	10	Planning and design
	11	Review by department of environmental quality
	12	Appropriation
	13	Legislative intent
	14	Codification instruction
	15	Effective date
	16	Termination
740	1	76-13-150 (replaced — sec. 4, Ch. 740)
	2	Reporting by the department of natural resources and conservation
	3	Transfer of funds
	4	Coordination instruction
	5	Coordination instruction
	6	Effective date
741	1	2-3-214
	2	7-1-4141
	3	Appropriation
	4	Unfunded mandate laws superseded
	5	Effective dates
742	1	13-35-210
	2	Appropriation
	3	Severability
	4	Effective date
743	1	16-12-102 (amended — sec. 12, ch. 743)
	2	16-12-201 (amended — sec. 11, ch. 743)
	3	16-12-207
	4	16-12-223 (amended — sec. 10, ch. 743)
	5	16-12-224
	6	16-12-225
	7	16-12-509
	8	Appropriation
	9	Notification to tribal governments
	10	Coordination instruction
	11	Coordination instruction
	12	Coordination instruction
	13	Severability
	14	Effective dates
744	1	61-5-151 (replaced — sec. 6, Ch. 744)
	2	61-5-110 (void — sec. 6, Ch. 744)
	3	61-14-202 (void — sec. 6, Ch. 744)
	4	Appropriation
	5	Codification instruction
	6	Coordination instruction
	7	Effective date
745	1	Montana state library report to education interim budget committee
	2	Education interim budget committee study of fiscal issues regarding education
	3	Office of commissioner of higher education reports
	4	Office of public instruction report
	5	20-5-101 (void — sec. 8, Ch. 745)
	6	20-7-117 (void — sec. 8, Ch. 745)
	7	Effective date
	8	Coordination instruction
	9	Coordination instruction
	10	Applicability
746	1	16-12-117
	2	16-12-305
	3	Synthetic marijuana products advisory council
	4	16-12-101
	5	16-12-102
	6	16-12-108
	7	16-12-125
	8	16-12-208
	9	45-5-623
	10	45-9-105
	11	50-32-222
	12	80-18-101
	13	Appropriation
	14	Codification instruction
	15	Severability
	16	Effective date
	17	Termination
747	1	20-7-136
	2	20-7-137
	3	20-7-138
	4	20-7-104
	5	Appropriation
	6	Transition
	7	Codification instruction
	8	Coordination instruction
	9	Effective date
748	1	53-20-173
	2	53-20-174
	3	Transfer of funds
	4	Appropriation
	5	Notification to tribal governments
	6	Codification instruction
	7	Effective date
749	1	16-3-211
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	3	16-3-214
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