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**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE MONTANA CODE ANNOTATED; DIRECTING THE CODE COMMISSIONER TO CORRECT ERRONEOUS REFERENCES CONTAINED IN MATERIAL ENACTED BY THE 68TH LEGISLATURE AND PREVIOUS LEGISLATURES; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO 5-11-210 APPEARS IN LEGISLATION ENACTED BY THE 2023 LEGISLATURE AND REQUIRES A NEW REPORT TO THE LEGISLATURE, THE CODE COMMISSIONER IS DIRECTED TO INCLUDE THE REPORT UNDER THE APPROPRIATE INTERIM COMMITTEE; AMENDING SECTIONS 5-11-222, 10-3-125, 13-3-205, 15-30-2131, 19-13-115, 30-10-103, 30-10-1103, 37-31-101, 46-23-1016, 50-2-116, 50-2-118, 50-19-205, 50-20-709, 61-5-129, 69-3-904, 82-4-432, 87-2-124, AND 87-6-415, MCA."

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 (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;

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- 1 (d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;
- 2 (e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-
- 3 410;
- 4 (f) progress on gender and racial balance from the governor in accordance with 2-15-108;
- 5 (g) a mental health report from the ombudsman in accordance with 2-15-210;
- 6 (h) policies related to children and families from the interagency coordinating council for state
- 7 prevention in accordance with 2-15-225;
- 8 (i) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;
- 9 (j) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board in
- 10 accordance with 2-15-3113;
- 11 (k) the allocation of space report from the department of administration required in accordance with 2-
- 12 17-101;
- 13 (l) information technology activities in accordance with 2-17-512;
- 14 (m) state strategic information technology plan exceptions, if granted, from the department of
- 15 administration in accordance with 2-17-515;
- 16 (n) the state strategic information technology plan and biennial report from the department of
- 17 administration in accordance with 2-17-521 and 2-17-522;
- 18 (o) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-
- 19 17-825 and 5-5-216;
- 20 (p) statistical and other data related to business transacted by the courts from the court administrator,
- 21 if requested, in accordance with 3-1-702;
- 22 (q) the judicial standards commission report in accordance with 3-1-1126;
- 23 (r) an annual report on the actual cost of legislation that had a projected fiscal impact from the office
- 24 of budget and program planning in accordance with 5-4-208;
- 25 (s) a link to annual state agency reports on grants awarded in the previous fiscal year established by
- 26 the legislative finance committee in accordance with 5-12-208;
- 27 (t) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance
- 28 with 5-12-302(4);

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- 1 (u) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair
2 the independence of the legislative audit division in accordance with 5-13-305;
- 3 (v) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with
4 5-13-311;
- 5 (w) school funding commission reports each fifth interim in accordance with 5-20-301;
- 6 (x) a report of political committee operations conducted on state-owned property, if required, from a
7 political committee to the legislative services division in accordance with 13-37-404;
- 8 (y) a report concerning taxable value from the department of revenue in accordance with 15-1-205;
- 9 (z) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;
- 10 (aa) semiannual reports on the Montana heritage preservation and development account from the
11 Montana heritage preservation and development commission in accordance with 15-65-121;
- 12 (bb) general marijuana regulation reports from the department of revenue in accordance with 16-12-
13 110;
- 14 (cc) medical marijuana registry reports from the department of revenue in accordance with 16-12-
15 532(3);
- 16 (dd) annual reports on general fund and nongeneral fund encumbrances from the department of
17 administration in accordance with 17-1-102;
- 18 (ee) loans or loan extensions authorized for two consecutive fiscal years from the department of
19 administration and office of commissioner of higher education, including negative cash balances from the
20 commissioner of higher education, in accordance with 17-2-107;
- 21 (ff) a report of local government entities that have balances contrary to limitations provided for in 17-2-
22 302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;
- 23 (gg) an annual report from the board of investments in accordance with 17-5-1650(2);
- 24 (hh) a report on retirement system trust investments and benefits from the board of investments in
25 accordance with 17-6-230;
- 26 (ii) recommendations for reductions in spending and related analysis, if required, from the office of
27 budget and program planning in accordance with 17-7-140;
- 28 (jj) a statewide facility inventory and condition assessment from the department of administration in

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- 1 accordance with 17-7-202;
- 2 (kk) actuary reports and investigations for public retirement systems from the public employees'
- 3 retirement board in accordance with 19-2-405;
- 4 (ll) a work report from the public employees' retirement board in accordance with 19-2-407;
- 5 (mm) annual actuarial reports and evaluations from the teachers' retirement board in accordance with
- 6 19-20-201;
- 7 (nn) reports from the state director of K-12 career and vocational and technical education, as
- 8 requested, in accordance with 20-7-308;
- 9 (oo) 5-year state plan for career and technical education reports from the board of regents in
- 10 accordance with 20-7-330;
- 11 (pp) a gifted and talented students report from the office of public instruction in accordance with 20-7-
- 12 904;
- 13 (qq) status changes for at-risk students from the office of public instruction in accordance with 20-9-
- 14 328;
- 15 (rr) status changes for American Indian students from the office of public instruction in accordance with
- 16 20-9-330;
- 17 (ss) reports regarding the Montana Indian language preservation program from the office of public
- 18 instruction in accordance with 20-9-537;
- 19 (tt) proposals for funding community colleges from the board of regents in accordance with 20-15-309;
- 20 (uu) expenditures and activities of the Montana agricultural experiment station and extension service,
- 21 as requested, in accordance with 20-25-236;
- 22 (vv) reports, if requested by the legislature, from the president of each of the units of the higher
- 23 education system in accordance with 20-25-305;
- 24 (ww) reports, if prepared by a public postsecondary institution, regarding free expression activities on
- 25 campus in accordance with 20-25-1506;
- 26 (xx) reports from the Montana historical society trustees in accordance with 22-3-107;
- 27 (yy) state lottery reports in accordance with 23-7-202;
- 28 (zz) a report from the division of banking and financial institutions, if required, from the department of

- 1 administration in accordance with 32-11-306;
- 2 (aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;
- 3 (bbb) reports from the department of labor and industry in accordance with 39-6-101;
- 4 (ccc) victim unemployment benefits reports from the department of labor and industry in accordance
- 5 with 39-51-2111;
- 6 (ddd) state fund business reports in accordance with 39-71-2363;
- 7 (eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;
- 8 (fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;
- 9 (ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the
- 10 governor in accordance with 46-23-316;
- 11 (hhh) annual statewide public defender reports from the office of state public defender in accordance
- 12 with 47-1-125;
- 13 (iii) a trauma care system report from the department of public health and human services in
- 14 accordance with 50-6-402;
- 15 (jjj) an older Montanans trust fund report from the department of public health and human services in
- 16 accordance with 52-3-115;
- 17 (kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;
- 18 (lll) medicaid block grant reports from the department of public health and human services in
- 19 accordance with 53-1-611;
- 20 (mmm) reports on the approval and implementation status of medicaid section 1115 waivers in
- 21 accordance with 53-2-215;
- 22 (nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
- 23 public health and human services in accordance with 53-6-101;
- 24 (ooo) medicaid funding reports from the department of public health and human services in
- 25 accordance with 53-6-110;
- 26 (ppp) proposals regarding managed care for medicaid recipients, if required, from the department of
- 27 public health and human services in accordance with 53-6-116;
- 28 (qqq) suicide reduction plans from the department of public health and human services in accordance

1 with 53-21-1102;

2 (rrr) a compliance and inspection report from the department of corrections in accordance with 53-30-

3 604;

4 (sss) emergency medical services grants from the department of transportation in accordance with 61-

5 2-109;

6 (ttt) annual financial reports on the environmental contingency account from the department of

7 environmental quality in accordance with 75-1-1101;

8 (uuu) the Flathead basin commission report in accordance with 75-7-304;

9 (vvv) a report from the land board, if prepared, in accordance with 76-12-109;

10 (www) an annual state trust land report from the land board in accordance with 77-1-223;

11 (xxx) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-

12 713;

13 (yyy) state water plans from the department of natural resources and conservation in accordance with

14 85-1-203;

15 (zzz) reports on the allocation of renewable resources grants and loans for emergencies, if required,

16 from the department of natural resources and conservation in accordance with 85-1-605;

17 (aaaa) water storage projects from the governor's office in accordance with 85-1-704;

18 (bbbb) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-

19 338;

20 (cccc) upland game bird enhancement program reports in accordance with 87-1-250;

21 (dddd) private land/public wildlife advisory committee reports in accordance with 87-1-269;

22 (eeee) a future fisheries improvement program report from the department of fish, wildlife, and parks in

23 accordance with 87-1-272;

24 (ffff) license revenue recommendations from the department of fish, wildlife, and parks in accordance

25 with 87-1-629;

26 (gggg) land information data reports from the state library in accordance with 90-1-404;

27 (hhhh) hydrocarbon and geology investigation reports from the bureau of mines and geology in

28 accordance with 90-2-201;

- 1 (iii) coal ash markets investigation reports from the department of commerce in accordance with 90-2-
- 2 202;
- 3 (jjjj) an annual report from the pacific northwest electric power and conservation planning council in
- 4 accordance with 90-4-403;
- 5 (kkkk) community property-assessed capital enhancements program reports from the Montana facility
- 6 finance authority in accordance with 90-4-1303;
- 7 (llll) veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-
- 8 604;
- 9 (mmmm) matching infrastructure planning grant awards by the department of commerce in accordance
- 10 with 90-6-703(3); and
- 11 (nnnn) ~~treasure state~~[Montana coal](#) endowment program reports from the department of commerce in
- 12 accordance with 90-6-710;
- 13 (3) Reports to the legislature include reports made to an interim committee as follows:
- 14 (a) reports to the law and justice interim committee, including:
- 15 (i) findings of the domestic violence fatality review commission in accordance with 2-15-2017;
- 16 (ii) the report from the missing indigenous persons review commission in accordance with 2-15-2018;
- 17 (iii) reports from the department of justice and public safety officer standards and training council in
- 18 accordance with 2-15-2029;
- 19 (iv) information on the Montana False Claims Act from the department of justice in accordance with 17-
- 20 8-416;
- 21 (v) annual case status reports from the attorney general in accordance with 41-3-210;
- 22 (vi) office of court administrator reports in accordance with 41-5-2003;
- 23 (vii) statewide public safety communications system activities from the department of justice in
- 24 accordance with 44-4-1606;
- 25 (viii) reports on the status of the crisis intervention team training program from the board of crime
- 26 control in accordance with 44-7-110;
- 27 (ix) restorative justice grant program status and performance from the board of crime control in
- 28 accordance with 44-7-302;

- 1 (x) reports on offenders under supervision with new offenses or violations from the department of
- 2 corrections in accordance with 46-23-1016;
- 3 (xi) supervision responses grid reports from the department of corrections in accordance with 46-23-
- 4 1028;
- 5 (xii) statewide public defender reports and information from the office of state public defender in
- 6 accordance with 47-1-125;
- 7 (xiii) every 5 years, a percentage change in public defender funding report from the legislative fiscal
- 8 analyst in accordance with 47-1-125;
- 9 (xiv) every 5 years, statewide public defender reports on the percentage change in funding from the
- 10 office of state public defender in accordance with 47-1-125; and
- 11 (xv) a report from the quality assurance unit from the department of corrections in accordance with 53-
- 12 1-211;
- 13 (b) reports to the state administration and veterans' affairs interim committee, including:
- 14 (i) a report that includes information technology activities and additional information from the
- 15 information technology board in accordance with 2-17-512 and 2-17-513;
- 16 (ii) a report from the capitol complex advisory council in accordance with 2-17-804;
- 17 (iii) a report on the employee incentive award program from the department of administration in
- 18 accordance with 2-18-1103;
- 19 (iv) a board of veterans' affairs report in accordance with 10-2-102;
- 20 (v) a report on grants to the Montana civil air patrol from the department of military affairs in
- 21 accordance with 10-3-802;
- 22 (vi) annual reports on statewide election security from the secretary of state in accordance with 13-1-
- 23 205;
- 24 (vii) a report regarding the youth voting program, if requested, from the secretary of state in
- 25 accordance with 13-22-108;
- 26 (viii) a report from the commissioner of political practices in accordance with 13-37-120;
- 27 (ix) a report on retirement system trust investments from the board of investments in accordance with
- 28 17-6-230;

- 1 (x) actuarial valuations and other reports from the public employees' retirement board in accordance
- 2 with 19-2-405 and 19-3-117;
- 3 (xi) actuarial valuations and other reports from the teachers' retirement board in accordance with 19-
- 4 20-201 and 19-20-216;
- 5 (xii) a report on the reemployment of retired members of the teachers' retirement system from the
- 6 teachers' retirement board in accordance with 19-20-732; and
- 7 (xiii) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the
- 8 secretary of state in accordance with 30-9A-527;
- 9 (c) reports to the children, families, health, and human services interim committee, including:
- 10 (i) performance data from the department of public health and human services in accordance with 2-
- 11 15-2225;
- 12 (ii) quarterly reports on data requirements from the department of public health and human services in
- 13 accordance with 5-12-303;
- 14 (iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 15 (iv) Montana HELP Act workforce development reports from the department of public health and
- 16 human services in accordance with 39-12-103;
- 17 (v) annual reports from the child and family ombudsman in accordance with 41-3-1211;
- 18 (vi) reports on activities and recommendations on child protective services activities, if required, from
- 19 the child and family ombudsman in accordance with 41-3-1215;
- 20 (vii) reports on the out-of-state placement of high-risk children with multiagency service needs from the
- 21 department of public health and human services in accordance with 52-2-311;
- 22 (viii) private alternative adolescent residential and outdoor programs reports from the department of
- 23 public health and human services in accordance with 52-2-803;
- 24 (ix) an annual Montana parents as scholars program report from the department of public health and
- 25 human services in accordance with 53-4-209;
- 26 (x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
- 27 public health and human services in accordance with 53-6-101;
- 28 (xi) a report concerning mental health managed care services, if managed care is in place, from the

- 1 advisory council in accordance with 53-6-710;
- 2 (xii) quarterly medicaid reports related to expansion from the department of public health and human
3 services in accordance with 53-6-1325;
- 4 (xiii) annual Montana developmental center reports from the department of public health and human
5 services in accordance with 53-20-225; and
- 6 (xiv) annual children's mental health outcomes from the department of public health and human
7 services in accordance with 53-21-508;
- 8 (xv) suicide reduction plans from the department of public health and human services in accordance
9 with 53-21-1102;
- 10 (d) reports to the economic affairs interim committee, including:
- 11 (i) the annual state compensation insurance fund budget from the board of directors in accordance
12 with 5-5-223 and 39-71-2363;
- 13 (ii) general marijuana regulation reports from the department of revenue in accordance with 16-12-
14 110(3);
- 15 (iii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
16 532(3);
- 17 (iv) annual reports on complaints against physicians certifying medical marijuana use from the board of
18 medical examiners in accordance with 16-12-532(4);
- 19 (v) an annual report on the administrative rate required from the department of commerce from the
20 Montana heritage preservation and development commission in accordance with 22-3-1002;
- 21 (vi) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;
- 22 (vii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-71-
23 2375;
- 24 (viii) annual reinsurance reports from the Montana reinsurance association board required in
25 accordance with 33-22-1308;
- 26 (ix) reports from the department of labor and industry concerning board attendance in accordance with
27 37-1-107;
- 28 (x) annual reports on physician complaints related to medical marijuana from the board of medical

- 1 examiners in accordance with 37-3-203;
- 2 (xi) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 3 (xii) status reports on the special revenue account and fees charged as a funding source from the
- 4 board of funeral service in accordance with 37-19-204;
- 5 (xiii) unemployment insurance program integrity act reports from the department of labor and industry
- 6 in accordance with 39-15-706;
- 7 (xiv) status reports on the distressed wood products industry revolving loan program from the
- 8 department of commerce in accordance with 90-1-503;
- 9 (e) reports to the education interim committee, including:
- 10 (i) reemployment of retired teachers, specialists, and administrators reports from the retirement board
- 11 in accordance with 19-20-732;
- 12 (ii) a report on participation in the interstate compact on educational opportunity for military children in
- 13 accordance with 20-1-231;
- 14 (iii) grow your own grant program reports from the commissioner of higher education in accordance
- 15 with 20-4-601;
- 16 (iv) standards of accreditation proposals and economic impact statements from the board of public
- 17 education in accordance with 20-7-101;
- 18 (v) advanced opportunity program reports from the board of public education in accordance with 20-7-
- 19 1506;
- 20 (vi) progress on transformational learning plans from the board of public education in accordance with
- 21 20-7-1602;
- 22 (vii) budget amendments, if needed, from school districts in accordance with 20-9-161;
- 23 (viii) annual Montana resident student financial aid program reports from the commissioner of higher
- 24 education in accordance with 20-26-105;
- 25 (ix) a historic preservation office report from the historic preservation officer in accordance with 22-3-
- 26 423; and
- 27 (x) interdisciplinary child information agreement reports from the office of public instruction in
- 28 accordance with 52-2-211;

- 1 (f) reports to the energy and telecommunications interim committee, including:
- 2 (i) the high-performance building report from the department of administration in accordance with 17-
- 3 7-214;
- 4 (ii) an annual report from the consumer counsel in accordance with 69-1-222;
- 5 (iii) annual universal system benefits reports from utilities, electric cooperatives, and the department of
- 6 revenue in accordance with 69-8-402;
- 7 (iv) small-scale hydroelectric power generation reports from the department of natural resources and
- 8 conservation in accordance with 85-1-501; and
- 9 (v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-1301;
- 10 (g) reports to the revenue interim committee, including:
- 11 (i) use of the qualified endowment tax credit report from the department of revenue in accordance
- 12 with 15-1-230;
- 13 (ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with 15-
- 14 7-111;
- 15 (iii) gray water property tax abatement usage reports from the department of revenue in accordance
- 16 with 15-24-3211;
- 17 (iv) information about job growth incentive tax credits from the department of revenue in accordance
- 18 with 15-30-2361;
- 19 (v) student scholarship contributions from the department of revenue in accordance with 15-30-3112;
- 20 (vi) tax havens from the department of revenue in accordance with 15-31-322;
- 21 (vii) media production tax credit economic impact reports from the department of commerce in
- 22 accordance with 15-31-1011;
- 23 (viii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
- 24 532(5);
- 25 (ix) complaints against physicians certifying use of medical marijuana from the board of medical
- 26 examiners in accordance with 16-12-532(5); and
- 27 (x) reports that actual or projected receipts will result in less revenue than estimated from the office of
- 28 budget and program planning, if necessary, in accordance with 17-7-140;

- 1 (h) reports to the transportation interim committee, including:
- 2 (i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;
- 3 (ii) cooperative agreement negotiations from the department of transportation in accordance with 15-
- 4 70-450;
- 5 (iii) an annual alternative project delivery contracting report from the department of transportation in
- 6 accordance with 60-2-119; and
- 7 (iv) a special fuels inspection report from the department of transportation in accordance with 61-10-
- 8 154;
- 9 (i) reports to the environmental quality council, including:
- 10 (i) compliance and enforcement reports required in accordance with 75-1-314;
- 11 (ii) the state solid waste management and resource recovery plan, every 5 years, from the department
- 12 of environmental quality in accordance with 75-10-111;
- 13 (iii) annual orphan share reports from the department of environmental quality in accordance with 75-
- 14 10-743;
- 15 (iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;
- 16 (v) annual subdivision sanitation reports from the department of environmental quality in accordance
- 17 with 76-4-116;
- 18 (vi) state trust land accessibility reports from the department of natural resources and conservation in
- 19 accordance with 77-1-820;
- 20 (vii) biennial land banking reports and annual state land cabin and home site sales reports from the
- 21 department of natural resources and conservation in accordance with 77-2-366;
- 22 (viii) biennially invasive species reports from the departments of fish, wildlife, and parks and natural
- 23 resources and conservation in accordance with 80-7-1006;
- 24 (ix) annual upper Columbia conservation commission reports in accordance with 80-7-1026;
- 25 (x) annual invasive species council reports in accordance with 80-7-1203;
- 26 (xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;
- 27 (xii) annual sage grouse population reports from the department of fish, wildlife, and parks in
- 28 accordance with 87-1-201;

- 1 (xiii) annual gray wolf management reports from the department of fish, wildlife, and parks in
- 2 accordance with 87-1-901;
- 3 (xiv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in
- 4 accordance with 87-2-702;
- 5 (xv) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in
- 6 accordance with 87-5-807; and
- 7 (xvi) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;
- 8 (j) reports to the water policy interim committee, including:
- 9 (i) drought and water supply advisory committee reports in accordance with 2-15-3308;
- 10 (ii) total maximum daily load reports from the department of environmental quality in accordance with
- 11 75-5-703;
- 12 (iii) state water plans from the department of natural resources and conservation in accordance with
- 13 85-1-203;
- 14 (iv) small-scale hydroelectric power generation reports from the department of natural resources and
- 15 conservation in accordance with 85-1-501;
- 16 (v) renewable resource grant and loan program reports from the department of natural resources and
- 17 conservation in accordance with 85-1-621;
- 18 (vi) quarterly adjudication reports from the department of natural resources and conservation and the
- 19 water court in accordance with 85-2-281;
- 20 (vii) water reservation reports from the department of natural resources and conservation in
- 21 accordance with 85-2-316;
- 22 (viii) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-436;
- 23 and
- 24 (ix) ground water investigation program reports from the bureau of mines and geology in accordance
- 25 with 85-2-525;
- 26 (k) reports to the local government interim committee, including:
- 27 (i) sand and gravel, if an investigation is completed, in accordance with 82-2-701;
- 28 (ii) assistance to local governments on federal land management proposals from the department of

- 1 commerce in accordance with 90-1-182; and
- 2 (iii) emergency financial assistance to local government reports from the department of commerce, if
- 3 requests are made, in accordance with 90-6-703(2);
- 4 (l) reports to the state-tribal relations committee, including:
- 5 (i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;
- 6 (ii) the Montana Indian language preservation program report from the state-tribal economic
- 7 development commission in accordance with 20-9-537;
- 8 (iii) reports from the missing indigenous persons task force in accordance with 44-2-411
- 9 (iv) a decennial economic contributions and impacts of Indian reservations report from the department
- 10 of commerce in accordance with 90-1-105;
- 11 (v) state-tribal economic development commission activities reports from the state-tribal economic
- 12 development commission in accordance with 90-1-132; and
- 13 (vi) state-tribal economic development commission reports provided regularly by the state director of
- 14 Indian affairs in accordance with 90-11-102.
- 15 (4) (a) Except as provided in subsections (4)(b) and (6) and unless otherwise required by law, a
- 16 report made to the legislature in accordance with subsection (3) may be provided orally before September 1 of
- 17 each year preceding the convening of a regular session of the legislature and in accordance with 5-11-
- 18 210(1)(b).
- 19 (b) After receiving an oral report, an interim or administrative committee responsible for receiving the
- 20 report may request a written report be filed with the legislature in accordance with 5-11-210(1)(a).
- 21 (c) This section may not be interpreted to preclude an interim or administrative committee from
- 22 requesting additional information.
- 23 (5) Reports to the legislature include multistate compact and agreement reports including:
- 24 (a) multistate tax compact reports in accordance with 15-1-601;
- 25 (b) interstate compact on educational opportunity for military children reports in accordance with 20-1-
- 26 230 and 20-1-231;
- 27 (c) compact for education reports in accordance with 20-2-501;
- 28 (d) Western regional higher education compact reports in accordance with 20-25-801;

- 1 (e) interstate insurance product regulation compact reports in accordance with 33-39-101;
- 2 (f) interstate medical licensure compact reports in accordance with 37-3-356;
- 3 (g) interstate compact on juveniles reports in accordance with 41-6-101;
- 4 (h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;
- 5 (i) vehicle equipment safety compact reports in accordance with 61-2-201;
- 6 (j) multistate highway transportation agreement reports in accordance with 61-10-1101; and
- 7 (k) western interstate nuclear compact reports in accordance with 90-5-201.

8 (6) Reports, transfers, statements, assessments, recommendations and changes required under 17-
 9 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-
 10 115, and 39-71-2375 must be provided as soon as the report is published and publicly available. Reports
 11 required in subsections (2)(a), (2)(gg), (2)(hh), and (3)(b)(ix) must be provided following issuance of reports
 12 issued under Title 5, chapter 13."

13

14 **Section 2.** Section 10-3-125, MCA, is amended to read:

15 **"10-3-125. Claims or defense against state action -- remedies -- limitations.** (1) A person or entity
 16 may assert a violation of 10-3-101 or 10-3-102 as a claim against a state, local, or interjurisdictional agency or
 17 public official in any judicial or administrative proceeding or as a defense in any judicial proceeding.

18 (2) In any civil action based on this section, the court may grant:

- 19 (a) declaratory relief;
- 20 (b) injunctive relief;
- 21 (c) compensatory damages for pecuniary and nonpecuniary losses;
- 22 (d) reasonable attorney fees and costs; and
- 23 (e) any other appropriate relief.

24 (3) A person or entity may not bring an action to assert a claim under this section later than 2 years
 25 after the date that [#the person or entity](#) knew or could have known that a violation occurred."

26

27 **Section 3.** Section 13-3-205, MCA, is amended to read:

28 **"13-3-205. Adoption of standards for polling place accessibility -- rulemaking authority.** (1) The

1 secretary of state, with advice from election administrators and individuals with disabilities ~~and elderly~~
2 ~~individuals~~, shall establish standards for accessibility of polling places.

3 (2) Standards for polling places approved pursuant to subsection (1) on or after October 1, 2005,
4 must comply with the accessibility standards in the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et
5 seq.

6 (3) The secretary of state:

7 (a) may adopt rules to implement the provisions of this part; and

8 (b) shall adopt rules to implement the exemption provisions of 13-3-212."

9

10 **Section 4.** Section 15-30-2131, MCA, is amended to read:

11 **"15-30-2131. (Temporary) Deductions allowed in computing net income.** (1) In computing net
12 income, there are allowed as deductions:

13 (a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and
14 211 of the Internal Revenue Code, 26 U.S.C. 161 and 211, subject to the following exceptions, which are not
15 deductible:

16 (i) items provided for in 15-30-2133;

17 (ii) state income tax paid;

18 (iii) premium payments for medical care as provided in subsection (1)(g)(i);

19 (iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

20 (v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable
21 gift annuity as defined in 33-20-701;

22 (b) federal income tax paid within the tax year, not to exceed \$5,000 for each taxpayer filing singly,
23 head of household, or married filing separately or \$10,000 if married and filing jointly;

24 (c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through
25 (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as
26 follows:

27 (i) expenses for household and dependent care services necessary for gainful employment incurred
28 for:

1 (A) a dependent under 15 years of age for whom an exemption can be claimed;

2 (B) a dependent as allowable under 15-30-2114(5), except that the limitations for age and gross
3 income do not apply, who is unable to provide self-care because of physical or mental illness; and

4 (C) a spouse who is unable to provide self-care because of physical or mental illness;

5 (ii) employment-related expenses incurred for the following services, but only if the expenses are
6 incurred to enable the taxpayer to be gainfully employed:

7 (A) household services that are attributable to the care of the qualifying individual; and

8 (B) care of an individual who qualifies under subsection (1)(c)(i);

9 (iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household
10 is furnished by an individual or, if the individual is married during the applicable period, is furnished by the
11 individual and the individual's spouse;

12 (iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following
13 limitations:

14 (A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during
15 the year only to the extent that the expenses do not exceed \$4,800;

16 (B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-
17 related expenses only if they are incurred for services in the taxpayer's household, except that employment-
18 related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for
19 the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses
20 incurred during the year do not exceed:

21 (I) \$2,400 in the case of one qualifying individual;

22 (II) \$3,600 in the case of two qualifying individuals; and

23 (III) \$4,800 in the case of three or more qualifying individuals;

24 (v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during
25 which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by
26 one-half of the excess of the combined adjusted gross income over \$18,000;

27 (vi) for purposes of this subsection (1)(c):

28 (A) married couples shall file a joint return or file separately on the same form;

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Drafter: Todd Everts, 406-444-4023

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1 (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred
2 are deductible only if:

3 (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent
4 that they are a direct result of the employment; or

5 (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);

6 (C) an individual legally separated from the individual's spouse under a decree of divorce or of
7 separate maintenance may not be considered as married;

8 (D) the deduction for employment-related expenses must be divided equally between the spouses
9 when filing separately on the same form;

10 (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year
11 and payments made to an individual with respect to whom a deduction is allowable under 15-30-2114(5) are
12 not deductible as employment-related expenses;

13 (d) in the case of an individual, political contributions determined in accordance with the provisions of
14 section 218(a) and (b) of the Internal Revenue Code of 1954 (now repealed) that were in effect for the tax year
15 that ended December 31, 1978;

16 (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct
17 allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;

18 (f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject
19 to the conditions set forth in 15-30-2143;

20 (g) the entire amount of premium payments made by the taxpayer, except premiums deducted in
21 determining Montana adjusted gross income, ~~for for which a credit was claimed under 15-30-2366,~~ for:

22 (i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the
23 taxpayer's dependents, and the parents and grandparents of the taxpayer; and

24 (ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified
25 long-term care services, as defined in 26 U.S.C. 7702B(c), for:

26 (A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or

27 (B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the
28 taxpayer for tax years beginning after December 31, 1996;

1 (h) light vehicle registration fees, as provided for in 61-3-321(2) and 61-3-562, paid during the tax
2 year; and

3 (i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-
4 209, 81-7-118, or 81-7-201.

5 (2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care
6 home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own
7 child and at least one unrelated child in the ordinary course of business may deduct employment-related
8 expenses considered to have been paid for the care of the child.

9 (b) The amount of employment-related expenses considered to have been paid by the taxpayer is
10 equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of
11 hours of care. The employment-related expenses apply regardless of whether any expenses actually have
12 been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

13 (c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the
14 deduction under this subsection (2). (Repealed effective January 1, 2024--secs. 65, 70(1), Ch. 503, L. 2021.)"

15

16 **Section 5.** Section 19-13-115, MCA, is amended to read:

17 **"19-13-115. Firemen's Firefighter's association to advise board.** The Montana state
18 firemen's firefighter's association shall serve as an advisor to the board and may meet quarterly with the board
19 to discuss matters relating to the administration of this chapter. The association may review all medical and
20 legal information available to the board relating to service, disability, and survivorship benefits of an individual
21 member upon a written release of the member or the member's survivor."

22

23 **Section 6.** Section 30-10-103, MCA, is amended to read:

24 **"30-10-103. Definitions.** When used in parts 1 through 3 of this chapter, unless the context requires
25 otherwise, the following definitions apply:

26 (1) (a) "Broker-dealer" means any person engaged in the business of effecting transactions in
27 securities for the account of others or for the person's own account.

28 (b) The term does not include:

1 (i) a salesperson, issuer, bank, savings institution, trust company, or insurance company; or
2 (ii) a person who does not have a place of business in this state if the person effects transactions in
3 this state exclusively with or through the issuers of the securities involved in the transactions, other broker-
4 dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as
5 defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or
6 institutional buyers, whether acting for themselves or as trustee.

7 (2) "Commissioner" means the securities commissioner of this state.

8 (3) (a) "Commodity" means:

9 (i) any agricultural, grain, or livestock product or byproduct;

10 (ii) any metal or mineral, including a precious metal, or any gem or gemstone, whether characterized
11 as precious, semiprecious, or otherwise;

12 (iii) any fuel, whether liquid, gaseous, or otherwise;

13 (iv) foreign currency; and

14 (v) all other goods, articles, products, or items of any kind.

15 (b) Commodity does not include:

16 (i) a numismatic coin with a fair market value at least 15% higher than the value of the metal it
17 contains;

18 (ii) real property or any timber, agricultural, or livestock product grown or raised on real property and
19 offered and sold by the owner or lessee of the real property; or

20 (iii) any work of art offered or sold by an art dealer at public auction or offered or sold through a private
21 sale by the owner.

22 (4) "Commodity Exchange Act" means the federal statute of that name.

23 (5) "Commodity futures trading commission" means the independent regulatory agency established
24 by congress to administer the Commodity Exchange Act.

25 (6) (a) "Commodity investment contract" means any account, agreement, or contract for the purchase
26 or sale, primarily for speculation or investment purposes and not for use or consumption by the offeree or
27 purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is
28 intended by the parties and whether characterized as a cash contract, deferred shipment or deferred delivery

1 contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise. Any
2 commodity investment contract offered or sold, in the absence of evidence to the contrary, is presumed to be
3 offered or sold for speculation or investment purposes.

4 (b) A commodity investment contract does not include a contract or agreement that requires, and
5 under which the purchaser receives, within 28 calendar days after the payment in good funds of any portion of
6 the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract
7 or agreement. The purchaser is not considered to have received physical delivery of the total amount of each
8 commodity to be purchased under the contract or agreement when the commodity or commodities are held as
9 collateral for a loan or are subject to a lien of any person when the loan or lien arises in connection with the
10 purchase of each commodity or commodities.

11 (7) (a) "Commodity option" means any account, agreement, or contract giving a party to the account,
12 agreement, or contract the right but not the obligation to purchase or sell one or more commodities or one or
13 more commodity contracts, whether characterized as an option, privilege, indemnity, bid, offer, put, call,
14 advance guaranty, decline guaranty, or otherwise.

15 (b) The term does not include an option traded on a national securities exchange registered with the
16 U.S. securities and exchange commission.

17 (8) (a) "Federal covered adviser" means a person who is registered under section 203 of the
18 Investment Advisers Act of 1940.

19 (b) A federal covered adviser is not an investment adviser as defined in subsection (12).

20 (9) "Federal covered security" means a security that is a covered security under section 18(b) of the
21 Securities Act of 1933 or rules promulgated by the commissioner.

22 (10) "Financial exploitation" means:

23 (a) the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or
24 property of a vulnerable person; or

25 (b) an act or omission taken by a person, including through the use of a power of attorney,
26 guardianship, or conservatorship of a vulnerable person, to:

27 (i) obtain control through deception, intimidation, fraud, menace, or undue influence over the
28 vulnerable person's money, assets, or property to deprive the vulnerable person of the ownership, use, benefit,

1 or possession of the vulnerable person's money, assets, or property; or

2 (ii) convert money, assets, or property of the vulnerable person to deprive the vulnerable person of the
3 ownership, use, benefit, or possession of the vulnerable person's money, assets, or property.

4 (11) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

5 (12) (a) "Investment adviser" means a person who, for compensation, engages in the business of
6 advising others, either directly or through publications or writings, as to the value of securities or as to the
7 advisability of investing in, purchasing, or selling securities or who, for compensation and as a part of a regular
8 business, issues or promulgates analyses or reports concerning securities.

9 (b) The term includes a financial planner or other person who:

10 (i) as an integral component of other financially related services, provides the investment advisory
11 services described in subsection (12)(a) to others for compensation, as part of a business; or

12 (ii) represents to any person that the financial planner or other person provides the investment
13 advisory services described in subsection (12)(a) to others for compensation.

14 (c) The term does not include:

15 (i) an investment adviser representative;

16 (ii) a bank, savings institution, trust company, or insurance company;

17 (iii) a lawyer or accountant whose performance of these services is solely incidental to the practice of
18 the person's profession or who does not accept or receive, directly or indirectly, any commission, payment,
19 referral, or other remuneration as a result of the purchase or sale of securities by a client, does not recommend
20 the purchase or sale of specific securities, and does not have custody of client funds or securities for
21 investment purposes;

22 (iv) a registered broker-dealer whose performance of services described in subsection (12)(a) is solely
23 incidental to the conduct of business and for which the broker-dealer does not receive special compensation;

24 (v) a publisher of any newspaper, news column, newsletter, news magazine, or business or financial
25 publication or service, whether communicated in hard copy form or by electronic means or otherwise, that does
26 not consist of the rendering of advice on the basis of the specific investment situation of each client;

27 (vi) a person whose advice, analyses, or reports relate only to securities exempted by 30-10-104(1);

28 (vii) an engineer or teacher whose performance of the services described in subsection (12)(a) is

1 solely incidental to the practice of the person's profession;

2 (viii) a federal covered adviser; or

3 (ix) other persons not within the intent of this subsection (12) as the commissioner may by rule or order

4 designate.

5 (13) (a) "Investment adviser representative" means:

6 (i) any partner of, officer of, director of, or a person occupying a similar status or performing similar

7 functions, or other individual, except clerical or ministerial personnel, employed by or associated with an

8 investment adviser who:

9 (A) makes any recommendation or otherwise renders advice regarding securities to clients;

10 (B) manages accounts or portfolios of clients;

11 (C) solicits, offers, or negotiates for the sale of or sells investment advisory services; or

12 (D) supervises employees who perform any of the foregoing; and

13 (ii) with respect to a federal covered adviser, any person who is an investment adviser representative

14 with a place of business in this state as those terms are defined by the securities and exchange commission

15 under the Investment Advisers Act of 1940.

16 (b) The term does not include a salesperson registered pursuant to 30-10-201(1) whose performance

17 of the services described in subsection (13)(a) of this section is solely incidental to the conduct of business as a

18 salesperson and for which the salesperson does not receive special compensation other than fees relating to

19 the solicitation or offering of investment advisory services of a registered investment adviser or of a federal

20 covered adviser who has made a notice filing under parts 1 through 3 of this chapter.

21 (14) "Issuer" means any person who issues or proposes to issue any security, except that with respect

22 to certificates of deposit, voting-trust certificates, or collateral-trust certificates or with respect to certificates of

23 interest or shares in an unincorporated investment trust not having a board of directors, or persons performing

24 similar functions, or of the fixed, restricted management, or unit type, the term "issuer" means the person or

25 persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the

26 trust or other agreement or instrument under which the security is issued.

27 (15) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

28 (16) "Offer" or "offer to sell" includes each attempt or offer to dispose of or solicitation of an offer to buy

1 a security or interest in a security for value.

2 (17) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company,
3 a trust in which the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a
4 government, or a political subdivision of a government.

5 (18) "Precious metal" means the following, in coin, bullion, or other form:

6 (a) silver;

7 (b) gold;

8 (c) platinum;

9 (d) palladium;

10 (e) copper; and

11 (f) other items as the commissioner may by rule or order specify.

12 (19) "Qualified individual" means a person who serves in a supervisory, compliance, or legal capacity
13 for a broker-dealer or investment adviser.

14 (20) "Registered broker-dealer" means a broker-dealer registered pursuant to 30-10-201.

15 (21) "Sale" or "sell" includes each contract of sale of, contract to sell, or disposition of a security or
16 interest in a security for value.

17 (22) (a) "Salesperson" means an individual other than a broker-dealer who represents a broker-dealer
18 or issuer in effecting or attempting to effect sales of securities. The term includes an individual who supervises
19 another individual who falls within this definition. [The term also includes but is not limited to the individual
20 disclosed as the supervisor on a salesperson's form U4 of the uniform application for securities industry
21 registration or transfer.] A partner, officer, or director of a broker-dealer or issuer is a salesperson only if the
22 person otherwise falls within this definition.

23 (b) Salesperson does not include an individual who represents:

24 (i) an issuer in:

25 (A) effecting a transaction in a security exempted by 30-10-104(1), (2), (3), (8), (9), (10), or (11);

26 (B) effecting transactions exempted by 30-10-105, except when registration as a salesperson,
27 pursuant to 30-10-201, is required by 30-10-105 or by any rule promulgated under 30-10-105;

28 (C) effecting transactions in a federal covered security described in section 18(b)(4)(D) of the

1 Securities Act of 1933 if a commission or other remuneration is not paid or given directly or indirectly for
2 soliciting a prospective buyer; or

3 (D) effecting transactions with existing employees, partners, or directors of the issuer if no
4 commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state; or
5 (ii) a broker-dealer in effecting in this state solely those transactions described in section 15(h)(2) of
6 the Securities Exchange Act of 1934.

7 (23) "Securities Act of 1933", "Securities Exchange Act of 1934", "Energy Policy Act of 2005",
8 "Investment Advisors Act of 1940", and "Investment Company Act of 1940" mean the federal statutes of those
9 names.

10 (24) (a) "Security" means any:

11 (i) note;

12 (ii) stock;

13 (iii) treasury stock;

14 (iv) bond;

15 (v) commodity investment contract;

16 (vi) commodity option;

17 (vii) debenture;

18 (viii) evidence of indebtedness;

19 (ix) certificate of interest or participation in any profit-sharing agreement;

20 (x) collateral-trust certificate;

21 (xi) preorganization certificate or subscription;

22 (xii) transferable shares;

23 (xiii) investment contract;

24 (xiv) voting-trust certificate;

25 (xv) certificate of deposit for a security;

26 (xvi) viatical settlement purchase agreement;

27 (xvii) certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of
28 production under a title or lease; or

1 (xviii) in general:

2 (A) interest or instrument commonly known as a security;

3 (B) put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of
4 securities, including any interest in a security or based on the value of a security; or

5 (C) certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee
6 of, or warrant or right to subscribe to or purchase any of the items in this subsection (24)(a)(xviii).

7 (b) Security does not include an insurance or endowment policy or annuity contract under which an
8 insurance company promises to pay a fixed sum of money either in a lump sum or periodically for life or some
9 other specified period.

10 (25) "State" means any state, territory, or possession of the United States, as well as the District of
11 Columbia and Puerto Rico.

12 (26) "Transact", "transact business", or "transaction" includes the meanings of the terms "sale", "sell",
13 and "offer".

14 (27) "Vulnerable person" means:

15 (a) a person who is at least 60 years of age;

16 (b) a person who suffers from mental impairment because of frailties or dependencies typically related
17 to advanced age, such as dementia or memory loss;

18 (c) a person who has a developmental disability as defined in 53-20-102; or

19 (d) a person with a mental disorder. For the purposes of this subsection (27)(d), "mental disorder"
20 means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's
21 cognitive or volitional functions. The term does not include:

22 (i) addiction to drugs or alcohol;

23 (ii) drug or alcohol intoxication;

24 (iii) intellectual disability; or

25 (iv) epilepsy."

26

27 **Section 7.** Section 30-10-1103, MCA, is amended to read:

28 **"30-10-1103. Definitions.** As used in this part, unless the context requires otherwise, the following

1 definitions apply:

2 (1) "Commissioner" has the meaning provided in 30-10-103.

3 ~~(1)~~(2) (a) "Monetary sanction" means any money, including penalties, disgorgement, and interest
4 ordered to be paid as a result of an administrative or judicial action.

5 (b) The term does not include restitution.

6 ~~(2)~~(3) "Original information" means information that is:

7 (a) derived from the independent knowledge or analysis of a whistleblower;

8 (b) not already known to the commissioner from any other source, unless the whistleblower is the
9 original source of the information;

10 (c) not exclusively derived from an allegation made in an administrative or judicial hearing, in a
11 governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is the
12 source of the information; and

13 (d) provided to the commissioner for the first time after March 24, 2021.

14 ~~(3)~~(4) "Whistleblower" means an individual who, alone or jointly with others, provides the state or
15 other law enforcement agency with information pursuant to the provisions set forth in this part, and the
16 information relates to a possible violation of state or federal securities laws, including any rules or regulations
17 thereunder, that has occurred, is ongoing, or is about to occur."

18

19 **Section 8.** Section 37-31-101, MCA, is amended to read:

20 **"37-31-101. Definitions.** Unless the context requires otherwise, in this chapter the following
21 definitions apply:

22 (1) "Affiliated" is an individual who owns more than 20% of or is employed 32 hours or more weekly at
23 a school licensed under this chapter.

24 (2) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

25 (3) "Barbering" means any of the following practices performed for payment, either directly or
26 indirectly, on the human body for tonsorial purposes and not performed for the treatment of disease or physical
27 or mental ailments:

28 (a) shaving or trimming a beard;

- 1 (b) cutting, styling, coloring, or waving hair;
- 2 (c) straightening hair by the use of chemicals;
- 3 (d) giving facial or scalp massages, including treatment with oils, creams, lotions, or other
- 4 preparations applied by hand or mechanical appliance;
- 5 (e) shampooing hair, applying hair tonic, or bleaching or highlighting hair; or
- 6 (f) applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face,
- 7 hands, or neck.

8 (4) "Barber nonchemical" means a person licensed under this chapter to engage in the practice of
9 barbering nonchemical.

10 (5) "Barbering nonchemical" means the practice or teaching of barbering as provided in subsection (3)
11 but excludes the use of chemicals to wave, straighten, color, bleach, or highlight hair.

12 (6) "Board" means the board of barbers and cosmetologists provided for in 2-15-1747.

13 (7) "Booth" means any part of a salon or shop that is rented or leased for the performance of
14 barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring services, as provided for
15 in 39-51-204.

16 (8) "Cosmetologist" means a person licensed under this chapter to engage in the practice of
17 cosmetology.

18 (9) (a) "Cosmetology" means work included in the terms "hairdressing", "manicuring", "esthetics", and
19 "beauty culture" when the work is done for the embellishment, cleanliness, and beautification of the hair and
20 body.

21 (b) The term may not be construed to include itinerant cosmetologists who perform their services
22 without compensation for demonstration purposes in any regularly established store or place of business
23 holding a license from the state as a store or place of business.

24 (10) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part
25 17.

26 (11) "Electrologist" means a person licensed under this chapter to engage in the practice of
27 electrology.

28 (12) (a) "Electrology" means the study of and the professional practice of permanently removing

1 superfluous hair by destroying the hair roots through passage of an electric current with an electrified needle.
 2 Electrology includes electrolysis and thermolysis. Electrology may include the use of waxes for epilation and the
 3 use of chemical depilatories.

4 (b) The term does not include pilethermology, which is the study and professional practice of
 5 removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices.

6 (13) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

7 (14) "Esthetics" means skin care of the body, including but not limited to hot compresses or the use of
 8 safety-approved electrical appliances or chemical compounds formulated for professional application only and
 9 the temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or
 10 appliances on another person.

11 ~~(15) "Instructor" or "teacher" means a person licensed under 37-31-303.~~

12 ~~(16)~~(15) "Manicuring" includes care of the nails, the hands, the lower arms, the feet, and the lower legs
 13 and the application and maintenance of artificial nails.

14 ~~(17)~~(16) "Manicurist" means a person licensed under this chapter to engage in the practice of
 15 manicuring.

16 ~~(18)~~(17) "Place of residence" means a home and the following residences defined under 50-5-101:

- 17 (a) an assisted living facility;
- 18 (b) an intermediate care facility for the developmentally disabled;
- 19 (c) a hospice;
- 20 (d) a critical access hospital;
- 21 (e) a long-term care facility; or
- 22 (f) a residential treatment facility.

23 ~~(19)~~(18) (a) "Salon or shop" means the physical location in which a person licensed under this chapter
 24 practices barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.

25 (b) The term does not include a room provided in a place of residence that is used for the purposes of
 26 barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring unless the owner,
 27 manager, or operator allows the room to be used for the practice of barbering, barbering nonchemical,
 28 cosmetology, electrology, esthetics, or manicuring to serve nonresidents for compensation, in which case the

1 room must be licensed as a salon or a shop.

2 ~~(20)~~(19) "School" means a location approved by the board for training persons for licensure as
3 provided for in 37-31-311.

4 ~~(24)~~(20) "Student teacher" means an individual enrolled in a teacher training course as provided for
5 under 37-31-301(1)(d).

6 ~~(22)~~(21) "Teacher" means a person licensed under ~~37-31-305~~37-31-303.

7 ~~(23)~~(22) "Teacher training" means a 650-hour course prescribed by the board by rule under this
8 chapter."

9

10 **Section 9.** Section 46-23-1016, MCA, is amended to read:

11 **"46-23-1016. Commitments to department -- report to sentencing court -- data.** (1) If the
12 department does not honor a placement recommendation made by a district court judge when the judge
13 sentences an offender pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii) and includes a placement
14 recommendation, the department shall provide a rationale for the placement and written notice to the
15 sentencing court within 40 days after the placement decision.

16 (2) The department shall collect and analyze data on:

17 (a) court placement recommendations and department placement decisions for offenders sentenced
18 pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii); and

19 (b) the number and type of new criminal offenses committed by offenders under the department's
20 supervision.

21 (3) (a) Beginning September 1, 2022, and in accordance with 5-11-210, the department shall collect
22 data and report no later than September 1 of each year to the law and justice interim committee and the
23 criminal justice oversight council on offenders who were under the department's supervision during the previous
24 fiscal year and were:

25 (i) convicted of a new felony offense; or

26 (ii) revoked for a violation of the terms and conditions of a suspended or deferred sentence and the
27 violation:

28 (A) is a compliance violation as defined in 46-18-203; or

1 (B) is not a compliance violation as defined in 46-18-203.

2 (b) The report must include the offenses or violations that triggered the report."

3

4 **Section 10.** Section 50-2-116, MCA, is amended to read:

5 **"50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5),
6 in order to carry out the purposes of the public health system, in collaboration with federal, state, and local
7 partners, each local board of health shall:

8 (a) recommend to the governing body the appointment of a local health officer who is:

9 (i) a physician;

10 (ii) a person with a master's degree in public health; or

11 (iii) a person with equivalent education and experience, as determined by the department;

12 (b) elect a presiding officer and other necessary officers;

13 (c) adopt bylaws to govern meetings;

14 (d) hold regular meetings at least quarterly and hold special meetings as necessary;

15 (e) identify, assess, prevent, and ameliorate conditions of public health importance through:

16 (i) epidemiological tracking and investigation;

17 (ii) screening and testing;

18 (iii) isolation and quarantine measures;

19 (iv) diagnosis, treatment, and case management;

20 (v) abatement of public health nuisances;

21 (vi) inspections;

22 (vii) collecting and maintaining health information;

23 (viii) education and training of health professionals; or

24 (ix) other public health measures as allowed by law;

25 (f) protect the public from the introduction and spread of communicable disease or other conditions of
26 public health importance, including through actions to ensure the removal of filth or other contaminants that
27 might cause disease or adversely affect public health;

28 (g) supervise or make inspections for conditions of public health importance and issue written orders

1 for compliance or for correction, destruction, or removal of the conditions;

2 (h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation
3 of public health laws, rules, and local regulations;

4 (i) identify to the department an administrative liaison for public health. The liaison must be the local
5 health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-
6 time local health officer, the liaison must be the highest ranking public health professional employed by the
7 jurisdiction.

8 (j) subject to the provisions of 50-2-130, propose for adoption by the local governing body necessary
9 regulations that are not less stringent than state standards for the control and disposal of sewage from private
10 and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The
11 regulations must describe standards for granting variances from the minimum requirements that are identical to
12 standards promulgated by the department of environmental quality and must provide for appeal of variance
13 decisions to the department of environmental quality as required by 75-5-305. If the local board of health
14 regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation
15 zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private
16 property owner.

17 (2) Local boards of health may:

18 (a) accept and spend funds received from a federal agency, the state, a school district, or other
19 persons or entities;

20 (b) propose for adoption by the local governing body necessary fees to administer regulations for the
21 control and disposal of sewage from private and public buildings and facilities;

22 (c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or
23 rules adopted by the department:

24 (i) for the control of communicable diseases;

25 (ii) for the removal of filth that might cause disease or adversely affect public health;

26 (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that
27 affects public health and for the maintenance of sewage treatment systems that do not discharge effluent
28 directly into state water and that are not required to have an operating permit as required by rules adopted

1 under 75-5-401;

2 (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing

3 establishments and that are not less stringent than state standards for tattooing and body-piercing

4 establishments;

5 (v) for the establishment of institutional controls that have been selected or approved by the:

6 (A) United States environmental protection agency as part of a remedy for a facility under the federal
7 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

8 (B) department of environmental quality as part of a remedy for a facility under the Montana
9 Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

10 (vi) to implement the public health laws;

11 (d) adopt rules necessary to implement and enforce regulations adopted by the local governing body;

12 and

13 (e) promote cooperation and formal collaborative agreements between the local board of health and
14 tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting,
15 information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters
16 addressed in this title.

17 (3) A local board of health may provide, implement, facilitate, or encourage other public health
18 services and functions as considered reasonable and necessary.

19 (4) A directive, mandate, or order issued by a local board of health in response to a declaration of
20 emergency or disaster by the governor as allowed in ~~[10-3-302 and]~~ 10-3-303 or by the principal executive
21 officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

22 (a) remains in effect only during the declared state of emergency or disaster or until the governing
23 body holds a public meeting and allows public comment and the majority of the governing body moves to
24 amend, rescind, or otherwise change the directive, mandate, or order; and

25 (b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or
26 operation of a religious facility, church, synagogue, or other place of worship.

27 (5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate,
28 or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a

1 town, city, or county under the jurisdiction of the local health board may not:

2 (a) compel a private business to deny a customer of the private business access to the premises or
3 access to goods or services;

4 (b) deny a customer of a private business the ability to access goods or services provided by the
5 private business; or

6 (c) include any of the following actions for noncompliance of actions described in subsections (5)(a)
7 and (5)(b):

8 (i) require the assessment of a fee or fine;

9 (ii) require the revocation of a license required for the operation of a private business;

10 (iii) find a private business owner guilty of a misdemeanor; or

11 (iv) bring any other retributive action against a private business owner, including but not limited to an
12 action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

13 (6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a
14 communicable disease and who are currently under a public isolation order.

15 (7) The prohibitions provided for in subsection (5) do not restrict a local board of health from
16 exercising its authority under this section to enforce and ensure compliance by private businesses with all
17 lawfully adopted regulations, directives, and orders.

18 (8) As used in this section, "private business" means an individual or entity that is not principally a part
19 of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a
20 corporation, a sole proprietorship, or a limited liability company."

21

22 **Section 11.** Section 50-2-118, MCA, is amended to read:

23 **"50-2-118. Powers and duties of local health officers.** (1) Except as provided in subsection (3),in
24 order to carry out the purpose of the public health system, in collaboration with federal, state, and local
25 partners, local health officers or their authorized representatives shall:

26 (a) make inspections for conditions of public health importance and issue written orders for
27 compliance or for correction, destruction, or removal of the condition;

28 (b) take steps to limit contact between people in order to protect the public health from imminent

1 threats, including but not limited to ordering the closure of buildings or facilities where people congregate and
2 canceling events;

3 (c) report communicable diseases to the department as required by rule;

4 (d) establish and maintain quarantine and isolation measures as adopted by the local board of health;
5 and

6 (e) pursue action with the appropriate court if this chapter or rules adopted by the local board or
7 department under this chapter are violated.

8 (2) A directive, mandate, or order issued by a local health officer in response to a declaration of
9 emergency or disaster by the governor as allowed in ~~[10-3-302 and]~~ 10-3-303 or by the principal executive
10 officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

11 (a) remains in effect only during the declared state of emergency or disaster or until the governing
12 body holds a public meeting and allows public comment and the majority of the governing body moves to
13 amend, rescind, or otherwise change the directive, mandate, or order; and

14 (b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or
15 operation of a religious facility, church, synagogue, or other place of worship.

16 (3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order
17 that is in violation of 50-2-116(5).

18 (4) The prohibitions provided for in 50-2-116(5) do not restrict a local health officer from exercising the
19 local health officer's authority under 50-2-123 or this section to enforce and ensure compliance by private
20 businesses with all lawfully adopted regulations, directives, and orders."

21

22 **Section 12.** Section 50-19-205, MCA, is amended to read:

23 **"50-19-205. Newborn screening advisory committee -- membership -- duties.** (1) There is a
24 newborn screening advisory committee. The committee consists of 12 members appointed by the director of
25 the department.

26 (2) (a) The director shall appoint the following voting members:

27 (i) two members who are persons affected by or family members of a person affected by a disorder
28 tested for pursuant to 50-19-203;

- 1 (ii) two members who are physicians or nurse practitioners who are board-certified in obstetrics,
2 pediatrics, family medicine, or neonatology;
- 3 (iii) one member who is a representative of a birthing center;
- 4 (iv) one member who is a representative of medicaid or the insurance industry;
- 5 (v) one member who is a representative of an advocacy association regarding newborns with medical
6 conditions or rare disorders;
- 7 (vi) one member who is a medical geneticist or who has at least 5 years of experience working in a
8 testing laboratory; and
- 9 (vii) one member who works in a tribal health care system.
- 10 (b) The director shall appoint the following department employees as nonvoting members:
- 11 (i) the chief medical director;
- 12 (ii) a representative of the newborn screening program; and
- 13 (iii) a representative of the laboratory services bureau.
- 14 (3) (a) Except as provided in subsection (3)(b), each voting committee member shall serve a
15 staggered 3-year term and is subject to reappointment for one succeeding term.
- 16 (b) The director shall appoint the first ~~nine~~ voting members to an initial term of 1, 2, or 3 years so
17 that the terms of no more than four members expire in any given year.
- 18 (4) The committee shall meet at least two times each year.
- 19 (5) The committee shall report its findings to the director at least once a year, if applicable, including
20 providing recommendations that the department initiate rulemaking to add an additional metabolic or genetic
21 disorder to the newborn screening protocol. In making recommendations to the department, the committee shall
22 use federally recognized national standards for newborn screening, including the recommended uniform
23 screening panel developed by the health resources and services administration of the United States
24 department of health and human services.
- 25 (6) Members of the committee are not entitled to compensation for their services, but they are entitled
26 to a mileage allowance, as provided in 2-18-503, and travel and meal expenses, as provided in 2-18-501 and 2-
27 18-502.
- 28 (7) The committee shall gather information on recent developments in testing technology, investigate

1 staff and equipment requirements of new tests, and perform other activities related to newborn screening. The
2 committee may make recommendations to the director regarding conditions that should be added to the
3 newborn screening panel.

4 (8) The committee is attached to the department of public health and human services for
5 administrative purposes, and the department shall provide staff support to the committee.

6 (9) The committee shall give priority to reviewing Krabbe disease."
7

8 ~~Section 13.~~~~Section 14.~~ Section 50-20-709, MCA, is amended to read:

9 **"50-20-709. Reporting on chemical abortions.** (1) For the purpose of promoting maternal health
10 and adding to the sum of medical and public health knowledge through the compilation of relevant data, a
11 report of each chemical abortion performed must be made to the department on forms prescribed by the
12 department. The reports must be completed by the facility in which the abortion-inducing drug was provided,
13 signed by the qualified medical practitioner who provided the abortion-inducing drug, and transmitted to the
14 department within 15 days after each reporting month.

15 (2) A report must include, at a minimum, the following information:

16 (a) identification of the qualified medical practitioner who provided the abortion-inducing drug;

17 (b) whether the chemical abortion was completed at the facility in which the abortion-inducing drug
18 was provided or at an alternative location;

19 (c) the referring medical practitioner, agency, or service, if any;

20 (d) the pregnant woman's county, state, and country of residence;

21 (e) the pregnant woman's age and race;

22 (f) the number of previous pregnancies, number of live births, and number of previous abortions of the
23 pregnant woman;

24 (g) the probable gestational age of the unborn child as determined by both patient history and
25 ultrasound results used to confirm the gestational age. The report must include the date of the ultrasound and
26 gestational age determined on that date.

27 (h) the abortion-inducing drug or drugs used, the date each was provided to the pregnant woman, and
28 the reason for the abortion, if known;

1 (i) preexisting medical conditions of the pregnant woman that would complicate the pregnancy, if any;

2 (j) whether the woman returned for a follow-up examination to determine completion of the abortion
3 procedure and to assess bleeding, the date and results of the follow-up examination, and what reasonable
4 efforts were made by the qualified medical practitioner to encourage the woman to return for a follow-up
5 examination if the woman did not;

6 (k) whether the woman suffered any complications and, if so, what specific complications arose and
7 what follow-up treatment was needed; and

8 (l) the amount billed to cover the treatment for specific complications, including whether the treatment
9 was billed to medicaid, private insurance, private pay, or another method, including charges for any physician,
10 hospital, emergency room, prescription or other drugs, laboratory tests, and other costs for treatment rendered.

11 (3) Reports required under this section may not contain:

12 (a) the name of the pregnant woman;

13 (b) common identifiers, such as a social security number or driver's license number; or

14 (c) other information or identifiers that would make it possible to identify, in any manner or under any
15 circumstances, a pregnant woman who has obtained or seeks to obtain a chemical abortion.

16 (4) A qualified medical practitioner who provides an abortion-inducing drug to a pregnant woman who
17 knows that the woman experiences, during or after the use of the abortion-inducing drug, an adverse event
18 shall provide a written report of the adverse event within 3 days of the event to the United States food and drug
19 administration via the medwatch reporting system, to the department, and to the state board of medical
20 examiners.

21 (5) (a) A medical practitioner, qualified medical practitioner, associated medical practitioner, or other
22 health care provider who treats a woman, either contemporaneously to or at any time after a chemical abortion,
23 for an adverse event or complication related to a chemical abortion shall make a report of the adverse event to
24 the department on forms prescribed by the department. The reports must be completed by the facility in which
25 the adverse event or complication treatment was provided, signed by the medical practitioner, qualified medical
26 practitioner, associated medical practitioner, or other health care provider who treated the adverse event or
27 complication, and transmitted to the department within 15 days after each reporting month.

28 (b) The report must include, at a minimum:

- 1 (i) the information required under subsections (2)(a) through (2)(j) and (2)(l); and
- 2 (ii) information about the specific complications that arose, whether an emergency transfer was
- 3 required, and whether any followup treatment was needed, including whether additional drugs or medications
- 4 were provided in order to complete the abortion.

5 (6) The department shall ~~prepare~~ provide, in accordance with 5-11-210, a comprehensive annual
 6 statistical report for the legislature based on the data gathered from reports under this section. The aggregated
 7 data must also be made available to the public by the department in a downloadable format.

8 (7) The department shall summarize aggregate data from the reports required under this part and
 9 submit the data to the U.S. centers for disease control and prevention for the purpose of inclusion in the annual
 10 vital statistics report.

11 (8) Reports filed pursuant to this section must be deemed public records and must be available to the
 12 public in accordance with the confidentiality and public records reporting laws of this state. Original copies of all
 13 reports filed under this section must be available to the state board of medical examiners, state board of
 14 pharmacy, state law enforcement officials, and child protective services for use in the performance of their
 15 official duties.

16 (9) Absent a valid court order or judicial subpoena, the department or any other state department,
 17 agency, office, or employee may not compare data concerning chemical abortions or abortion complications
 18 maintained in an electronic or other information system file with data in any other electronic or other information
 19 system, the comparison of which could result in identifying, in any manner or under any circumstances, a
 20 woman obtaining or seeking to obtain a chemical abortion.

21 (10) Statistical information that may reveal the identity of a woman obtaining or seeking to obtain a
 22 chemical abortion may not be maintained by the department or any other state department, agency, office,
 23 employee, or contractor.

24 (11) The department shall communicate the reporting requirements of this section to all medical
 25 professional organizations, medical practitioners, and facilities operating in the state."

26

27 ~~Section 14.~~Section 15. Section 61-5-129, MCA, is amended to read:

28 **"61-5-129. (Temporary) REAL ID-compliant driver's license or identification card -- voluntary**

1 **application.** (1) The department shall issue a Montana driver's license or identification card that complies with
2 the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.

3 (2) (a) When required to obtain a Montana driver's license or identification card, a person may
4 choose to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's
5 license or REAL ID-compliant identification card.

6 (b) A person may not hold a valid standard driver's license or identification card and a valid REAL ID-
7 compliant driver's license or identification card at the same time.

8 (3) (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other
9 requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.

10 (b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other
11 requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61,
12 chapter 12, part 5, and this chapter.

13 (4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-
14 111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may
15 charge the following additional fees:

16 (i) ~~for a person who is applying for a REAL ID-compliant driver's license or identification card during or~~
17 ~~prior to a renewal period specified in 61-5-111(3)(c), the additional fee is \$25; and~~

18 ~~(ii) for a person who renews a standard driver's license or a standard identification card under 61-5-~~
19 ~~111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's~~
20 ~~license or identification card between January 1, 2018, and June 30, 2018, the additional fee is \$25.~~

21 (b) The fees collected under this subsection (4) must be deposited in the state special revenue fund
22 to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and
23 identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)"

24

25 ~~Section 15.~~ **Section 16.** Section 69-3-904, MCA, is amended to read:

26 **"69-3-904. Commission review and determination of rate increases or decreases.** (1) When a
27 small telecommunications provider proposes a rate increase or decrease, the commission shall review and
28 determine the rates pursuant to the applicable procedures in this chapter if:

1 (a) the affected subscribers have successfully petitioned for commission review as described in 69-3-
2 906;

3 (b) the small telecommunications provider requests the commission to review and determine the
4 rates; or

5 (c) by the 60th day following notice of the proposed increase or decrease, the consumer counsel
6 petitions the commission to review and determine the rates.

7 (2) An order of the commission issued under this section establishes the effective rate for the
8 regulated telecommunications services covered by the order. Rates established by commission order may not
9 be increased for a period of 6 months, except as ordered by the commission.

10 (3) The order of the commission is subject to review ~~pursuant to part 4 of this chapter.~~"

11

12 Section 16.~~Section 17.~~ Section 82-4-432, MCA, is amended to read:

13 **"82-4-432. Application for permit -- contents -- issuance -- amendment.** (1) (a) An operator who
14 requires a permit pursuant to 82-4-431 shall apply for a permit on forms furnished by the department prior to
15 commencing operations.

16 (b) Operations subject to subsections (2) through (13) are those:

17 (i) that affect ground water or surface water, including intermittent or perennial streams, or water
18 conveyance facilities; or

19 (ii) where 10 or more occupied dwelling units are within one-half mile of the permit boundary of the
20 operation.

21 (c) All other operations are subject to subsection (14).

22 (2) (a) An application for a permit pursuant to subsections (2) through (13) must be made using forms
23 furnished by the department and must contain the following:

24 (i) the name of the applicant and, if other than the owner of the land, the name and address of the
25 owner;

26 (ii) the type of operation to be conducted;

27 (iii) the estimated volume of overburden and materials to be removed;

28 (iv) the location of the proposed opencut operation by legal description and county accompanied by a

1 map showing the location of the proposed operation sufficient to allow the public to locate the proposed site;

2 and

3 (v) a statement that the applicant has the legal right to mine the designated materials in the lands
4 described.

5 (b) The application must be accompanied by:

6 (i) a bond or security meeting the requirements as set out in this part;

7 (ii) a statement from the local governing body having jurisdiction over the area to be mined certifying
8 that the proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted
9 under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is
10 received for a preapplication meeting pursuant to this section;

11 (iii) a plan of operation that contains information sufficient to initiate acceptability review by addressing
12 the requirements of 82-4-434 and rules adopted pursuant to this part related to 82-4-434;

13 (iv) written documentation that the landowner has been consulted about the proposed plan of
14 operation;

15 (v) a written agreement between the landowner and the operator authorizing the operator access to
16 the site to perform reclamation if the landowner revokes or otherwise terminates the operator's right to mine;

17 (vi) a list that is certified by the operator and generated on a form furnished by the department using
18 cadastral and field information at the time of permit application of owners of real property on which occupied
19 dwelling units exist located within one-half mile of the proposed permit boundary using the owners of record as
20 shown no more than 60 days prior to the submission of an application in the paper or electronic records of the
21 county clerk and recorder for the county where the proposed opencut operation is located; and

22 (vii) documentation of consultation with the state historic preservation office regarding possible
23 archaeological or historical values on the affected land.

24 (3) If, prior to applying for a permit, a person notifies the department of the intention to submit an
25 application and requests that the department examine the area to be mined, the department shall examine the
26 area and make recommendations to the person regarding the proposed opencut operation. The person may
27 request a preapplication meeting with the department. The department shall hold a meeting if requested.

28 (4) (a) (i) Except as provided in 75-1-208(4)(b), upon receipt of an application, the department shall,

1 within 5 working days, review the application and notify the person as to whether or not the application is
2 complete. An application is complete if it contains the items listed in subsections (1) and (2). If the department
3 determines that the application is not complete, the department shall notify the applicant in writing and include a
4 detailed identification of information necessary to make the application complete.

5 (ii) The time limit provided in subsection (4)(a)(i) applies to each submittal of the application until the
6 department determines that the application is complete.

7 (b) (i) A determination that an application is complete does not ensure that the application is
8 acceptable and does not limit the department's ability to request additional information or inspect the site during
9 the review process.

10 (ii) Upon determining that an application is complete, the department shall begin reviewing the
11 application for acceptability pursuant to this section.

12 (iii) The department shall accept public comment throughout the review process.

13 (c) The department may declare an application abandoned and void if:

14 (i) the applicant fails to respond to the department's written request for more information within 1 year;
15 and

16 (ii) the department notifies the applicant of its intent to abandon the application and the applicant fails
17 to provide information within 30 days.

18 (d) The department shall notify the applicant when an application is complete and post the complete
19 application on the department's website.

20 (5) Within 15 days after the department sends notice of a complete application to the applicant, the
21 applicant shall provide public notice, which must include:

22 (a) the name, address, and telephone number of the applicant;

23 (b) a description of the acreage, the estimated volume of overburden and materials to be removed,
24 the type of materials to be removed, the facilities, the duration of activities, and the access points of the
25 proposed opencut operation;

26 (c) a legal description of the proposed opencut operation and a map, or directions on how to access a
27 map, showing the location of the proposed opencut operation and immediately surrounding property; and

28 (d) on a form provided by the department, notification that the application is complete and information

1 on how to request a public meeting pursuant to this section.

2 (6) To provide public notice, the applicant shall:

3 (a) publish notice at least twice in a newspaper of general circulation in the locality of the proposed
4 opencut operation. A map is not required in the notice if, in addition to the legal description of the proposed
5 opencut operation, the notice provides an address for the map posted on the department's website and
6 instructions for obtaining a paper copy of the map from an applicant. If the notice does not include a map, the
7 applicant shall promptly provide a paper copy to a requestor.

8 (b) mail the notice by first-class mail to the board of county commissioners of the county in which the
9 proposed opencut operation is located and to surface owners of land located within one-half mile of the
10 boundary of the proposed opencut permit area using the most current known owners of record as shown in the
11 paper or electronic records of the county clerk and recorder for the county where the proposed opencut
12 operation is located;

13 (c) post the notice in at least two prominent locations at the site of the proposed opencut operation,
14 including near a public road if possible; and

15 (d) provide the department with the names and addresses of those notified pursuant to subsection
16 (6)(b).

17 (7) (a) Except as provided in subsection (7)(b), the department shall accept requests for a public
18 meeting for 45 days after the department sends notice to the applicant of a complete application. Within this
19 period, unless a public meeting is required pursuant to subsection (9), the department shall notify the applicant
20 as to whether or not the application is acceptable pursuant to subsection (10).

21 (b) If the applicant and the department mutually agree or the applicant submits documentation on a
22 form provided by the department showing that a public meeting will not be required pursuant to subsection (9),
23 the department shall inform the applicant within 30 days of the notice of a complete application as to whether or
24 not the application is acceptable pursuant to subsection (10).

25 (8) If a public meeting is required pursuant to subsection (9), within 30 days from the closing date of
26 the public meeting request period in subsection (7), the department shall:

27 (a) hold a meeting; and

28 (b) notify the applicant as to whether or not the application is acceptable pursuant to subsection (10)

1 or that the application requires an extended review pursuant to 82-4-439.

2 (9) (a) The department shall hold a public meeting in the area of the proposed opencut operation at
3 the request of:

4 (i) the applicant; or

5 (ii) at least 51% of the real property owners on which occupied dwelling units exist or 10 real property
6 owners on which occupied dwelling units exist, whichever is greater, notified pursuant to this section. For the
7 purposes of this subsection (9)(a)(ii), multiple owners of the same occupied dwelling unit are to be counted as a
8 single real property owner.

9 (b) To provide notice for a public meeting, the department shall notify by first-class mail or
10 electronically the property owners on the list provided by the applicant pursuant to this section and the board of
11 county commissioners in the county where the proposed opencut operation is located.

12 (10) (a) An application is acceptable if it complies with the requirements of subsections (1) and (2) and
13 includes a plan of operation that satisfies the requirements of 82-4-434 and rules adopted pursuant to this part
14 related to 82-4-434. If the department determines that the application is not acceptable, the department shall
15 notify the applicant in writing and include a detailed identification of all deficiencies.

16 (b) Within 10 working days of receipt of the applicant's response to the identified deficiencies, the
17 department shall review the responses and notify the applicant as to whether or not the application is
18 acceptable. If the application is unacceptable, the department shall notify the applicant in writing and include a
19 detailed identification of the deficiencies.

20 (c) If the application is acceptable, the department shall issue a permit to the operator that entitles the
21 operator to engage in the opencut operation on the land described in the application.

22 (11) (a) An operator may amend a permit by submitting an amendment application to the department.
23 Upon receipt of the amendment application, the department shall review it in accordance with the requirements
24 and procedures in this section. If the amendment application is acceptable, the department shall issue an
25 amendment to the original permit.

26 (b) An application for an amendment is not subject to the public notice or public meeting requirements
27 of this section or an extended review pursuant to 82-4-439 unless it proposes an increase in permitted acreage
28 of 50% or more of the amount of permitted acreage in the current permit.

1 (c) For amendment applications not subject to the public notice and public meeting requirements of
2 this section, the department shall, within 45 days of notifying the applicant that the application is complete,
3 notify the applicant as to whether or not the application is acceptable pursuant to subsection (10).

4 (12) (a) Except as provided in subsection (12)(b), if weather or other field conditions prevent the
5 department from conducting an adequate site inspection to evaluate a permit or amendment application, the
6 time limits provided in subsections (7) and (11) are suspended until the weather or other field conditions allow
7 for an adequate site inspection.

8 (b) Before suspending time limits, the department shall allow the operator to provide the information
9 needed from a site inspection by other means, including but not limited to surveys, photos, videos, or other
10 reports.

11 (13) The department shall post a copy of an acceptable permit or amendment on its website.

12 (14) (a) Operations not described by subsection (1)(b) that apply for a permit or an amendment shall
13 submit:

14 (i) a landowner consultation form;

15 (ii) documentation of consultation with the state historic preservation office regarding possible
16 archaeological or historical values on the affected land;

17 (iii) a reclamation bond calculated pursuant to the requirements of 82-4-433 unless exempt pursuant to
18 82-4-405;

19 (iv) if applicable, documentation of compliance with Title 87, chapter 5, part 9;

20 (v) a statement from the local governing body having jurisdiction over the area to be mined certifying
21 that the proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted
22 under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is
23 received for a preapplication meeting pursuant to this section;

24 (vi) results from three soil test pits meeting the soil guideline requirements;

25 (vii) the appropriate fee as set forth in 82-4-437 and a \$500 fee to be deposited in the opencut fund
26 pursuant to 82-4-438;

27 (viii) the proposed permit boundary in a format acceptable to the department and a location map;

28 (ix) a certification from the operator that there are fewer than 10 occupied dwelling units within one-half

1 mile of the permit boundary of the operation no more than 60 days from the date the application materials are
2 submitted;

3 (x) certification from the operator that notice of the proposed opencut operation was:

4 (A) published at least twice in a newspaper of general circulation in the locality of the proposed
5 opencut operation;

6 (B) mailed to surface owners of land located within one-half mile of the boundary of the proposed
7 opencut permit area using the most current known owners of record as shown in the paper or electronic records
8 of the county clerk and recorder for the county where the proposed opencut operation is located. If the notice
9 does not include a map, the applicant shall promptly provide a copy to a requestor.

10 (C) posted in at least two prominent locations at the site of the proposed opencut operation, including
11 near a public road if possible;

12 (xi) the date the site is to be fully reclaimed.

13 (b) Except as provided in 75-1-208(4)(b), upon receipt of an application under this subsection (14),
14 the department shall, within 5 working days, review the application and notify the person as to whether or not
15 the application is complete. An application is complete if it contains the items listed in subsection (14)(a). If the
16 department determines that the application is not complete, the department shall notify the applicant in writing
17 and include a detailed identification of information necessary to make the application complete.

18 (c) Upon determining that an application is complete, the department shall begin reviewing the
19 application for acceptability pursuant to this section. Public comment may be submitted throughout the review
20 period.

21 (d) Within 15 days of receiving the information required by subsection (14)(a), the department shall
22 determine if the information meets the requirements of subsection (14)(a) and notify the operator in writing. If
23 the requirements are met, the operator may commence the operation on receipt of the notification.

24 (e) If the information submitted does not meet the requirements of subsection (14)(a), the department
25 shall notify the applicant in writing and include a detailed identification of all deficiencies.

26 (f) Within 10 working days of receipt of the applicant's response to the identified deficiencies, the
27 department shall review the responses and notify the applicant as to whether the information submitted meets
28 the requirements of subsection (14)(a). If the information submitted does not meet the requirements, the

1 department shall notify the applicant in writing and include a detailed identification of the deficiencies.

2 (g) If the information submitted to the department meets the requirements of subsection (14)(a), the
3 department shall notify the operator in writing. On receipt of the notification, the operator may commence
4 opencut operations on the land described in the application.

5 (h) The department may prohibit an operation under this section if, at the time of submission of
6 information required by subsection (14)(a), the operator has a pattern of violations of this part or is in current
7 violation of this part, rules adopted under this part, or provisions of a permit.

8 (i) Prior to removing materials, the operator shall salvage all of the soil from the area to be disturbed.

9 (j) Prior to the final reclamation date, the operator shall grade the affected land to 3:1 or flatter slopes
10 for rangeland and to 5:1 or flatter slopes for farmland and cropland, blend the graded land into the surrounding
11 topography, replace an appropriate amount of overburden and all soils, and reclaim to conditions either present
12 prior to operations or as specified by the landowner, including all access roads used for the operation unless
13 the landowner requests in writing that specific roads or portions of roads remain in place. Roads left at the
14 landowner's request must be sized to support the use of the road after operations."
15

16 ~~Section 17.~~~~Section 19.~~ Section 87-2-124, MCA, is amended to read:

17 **"87-2-124. Option to direct limited drawing refunds to block management program.** A person
18 who participates in a limited drawing but is not successful in the drawing may opt, upon application, to direct
19 that the refund the person is eligible to receive instead be deposited in the hunting access account established
20 in 87-1-290 and used for the purpose of funding the block management program established ~~by administrative~~
21 ~~rule pursuant to authority contained in 87-1-301 and 87-1-303 in 87-1-265.~~"
22

23 ~~Section 18.~~~~Section 20.~~ Section 87-6-415, MCA, is amended to read:

24 **"87-6-415. Failure to obtain landowner's permission for hunting.** (1) A person may not hunt or
25 attempt to hunt furbearers, game animals, migratory game birds, nongame wildlife, predatory animals, upland
26 game birds, or wolves on private property without first obtaining permission of the landowner, the lessee, or
27 their agents.

28 (2) A person who violates this section shall, upon conviction for a first offense, be fined not less than

1 \$135 or more than \$500.

2 (3) A person convicted of a second or subsequent offense of hunting on private property without
3 obtaining permission of the landowner within 5 years shall be fined not less than \$500 or more than \$1,000.

4 (4) In addition, the person, upon conviction under subsection (3) or forfeiture of bond or bail:

5 (a) shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to
6 hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for not
7 less than 12 months or more than 3 years from the date of conviction or forfeiture [of bond or bail]; and

8 (b) may be ordered to make restitution for property damage resulting from the violation in an amount
9 and manner to be set by the court. The court shall determine the manner and amount of restitution after full
10 consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted
11 person, the court may modify any previous order specifying the amount and manner of restitution. Full payment
12 of the amount of restitution ordered must be made prior to the release of state jurisdiction over the person
13 convicted.

14 (5) For the purposes of this section, the term "hunt" has the same meaning as provided in 87-6-101
15 and includes entering private land to:

- 16 (a) retrieve wildlife; or
- 17 (b) access public land to hunt."

18
19 **NEW SECTION. ~~Section 19.~~~~Section 21.~~ Directions to code commissioner.** (1) Wherever a
20 reference to 5-11-210 appears in legislation enacted by the 2023 legislature and requires a new report to the
21 legislature, the code commissioner is directed to include the report under the appropriate interim committee as
22 listed in 5-11-222.

23 (2) Wherever a reference to 5-11-210 is repealed or stricken in legislation enacted by the 2023
24 legislature, the code commissioner is directed to strike that report from 5-11-222.

25
26

27 **NEW SECTION. ~~Section 20.~~~~Section 22.~~ Directions to code commissioner.** The code
28 commissioner is directed to implement 1-11-101(2)(g)(ii) by correcting any clearly inaccurate references to

- 1 other sections of the Montana Code Annotated contained in material enacted by the 68th legislature and
- 2 previous legislatures

3 - END -

DRAFT